











1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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41171

# BILL

An Act to amend The Dependants' Relief Act, 1929.

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MR. CLARK

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No. 36

1935

# BILL

## An Act to amend The Dependants' Relief Act, 1929.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Dependants' Relief Amendment Act, 1935*.

1929, c. 47,  
s. 5, subs. 2  
re-enacted.

**2.** Subsection 2 of section 5 of *The Dependants' Relief Act, 1929*, as amended by section 3 of *The Dependants' Relief Act, 1930* is repealed and the following substituted therefor:

When  
application  
to be made.

- (2) Where letters probate are applied for by the wife or husband of the testator or a guardian on behalf of minor dependants, an application under this section for an allowance for such wife or husband, or for such minor dependants shall be made at the time of applying for letters probate and in every other case the application shall be made within three months after the death of the testator, but the judge, if he deems it just, may allow an application to be made at any time as to any portion of the estate remaining undistributed at the date of the application.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

This amendment is to allow the wife or husband of the testator, or a guardian on behalf of minor dependants, who has applied for letters probate to make application, subject to the discretion of the surrogate judge, for relief at any time during the administration of the estate as is provided in every other case.

Under the subsection as it now stands such application can only be made at the time of the application for probate. This works a hardship where the estate subsequently increases in value.

BILL

An Act to amend 'The Dependants'  
Relief Act, 1929

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

MR. CLARK

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Dependants' Relief Act, 1929.

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MR. CLARK

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No. 36

1935

# BILL

## An Act to amend The Dependants' Relief Act, 1929.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Dependants' Relief Amendment Act, 1935*.

1929, c. 47,  
s. 5, subs. 2  
(1930, c. 35,  
s. 3)  
re-enacted.

**2.** Subsection 2 of section 5 of *The Dependants' Relief Act, 1929*, as amended by section 3 of *The Dependants' Relief Act, 1930* is repealed and the following substituted therefor:

When  
application  
to be made.

(2) Where letters probate have been or are applied for by the wife or husband of the testator or a guardian on behalf of minor dependants, an application under this section for an allowance for such wife or husband, or for such minor dependants shall be made at the time of applying for letters probate and in every other case the application shall be made within three months after the death of the testator, but the judge, if he deems it just, may allow an application to be made at any time as to any portion of the estate remaining undistributed at the date of the application.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend 'The Dependants'  
Relief Act, 1929

*1st Reading*

March 18th, 1935

*2nd Reading*

April 3rd, 1935

*3rd Reading*

April 17th, 1935

MR. CLARK

No. 37

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The General Sessions Act.

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MR. ROEBUCK

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No. 37

1935

# BILL

 An Act to amend The General Sessions Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The General Sessions Amendment Act, 1935*.

Rev. Stat.  
c. 92, s. 11,  
re-enacted.      **2.** Section 11 of *The General Sessions Act* is repealed and the following substituted therefor:

Power of  
Lieut.-Gov.  
in Council  
as to,—      11.—(1) Notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council may:

Rules of  
practice.      (a) Make rules for regulating the practice and procedure in the County and District Courts;

Fees of  
Crown.      (b) Make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of  
solicitors.      (c) Prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.      (d) Prescribe forms for use in such courts.

Existing  
rules, tariff  
and forms.      (2) The existing rules, fees payable to the Crown, fees to be allowed to solicitors and forms, shall remain in force until altered, amended or repealed as in subsection 1 provided.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to provide that the Lieutenant-Governor in Council may, for the purpose of the County Courts Act, make rules of practice and procedure, regulate and fix fees payable to the Crown, prescribe a tariff of fees payable to solicitors and counsel and prescribe forms. Uniform provisions are contained in Bills relating to the Courts of General Sessions and the Surrogate Courts Act.

BILL

An Act to amend The General  
Sessions Act.

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

MR. ROEBUCK

No. 37

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The General Sessions Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 37

1935

# BILL

An Act to amend The General Sessions Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The General Sessions Amendment Act, 1935*.

Rev. Stat.  
c. 92, s. 11,  
re-enacted.

**2.** Section 11 of *The General Sessions Act* is repealed and the following substituted therefor:

Power of  
Lieut.-Gov.  
in Council  
as to,—

11.—(1) Notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council may:

Rules of  
practice.

(a) Make rules for regulating the practice and procedure in the county and district courts;

Fees of  
Crown.

(b) Make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of  
solicitors.

(c) Prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

(d) Prescribe forms for use in such courts.

Existing  
rules, tariff  
and forms.

(2) The existing rules, fees payable to the Crown, fees to be allowed to solicitors and forms, shall remain in force until altered, amended or repealed as in subsection 1 provided.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The General Sessions Act.

*1st Reading*

March 18th, 1935

*2nd Reading*

March 27th, 1935

*3rd Reading*

April 1st, 1935

MR. ROEBUCK

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Surrogate Courts Act.

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MR. ROEBUCK

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No. 38

1935

# BILL

## An Act to amend The Surrogate Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Surrogate Courts Amendment Act, 1935*.

Rev. Stat.  
c. 94, s. 72,  
re-enacted.

2. Section 72 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Power of  
Lieut.-Gov.  
in Council  
as to,—

72.—(1) Notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council may:

Rules of  
practice.

(a) Make rules for regulating the practice and procedure in the Surrogate Courts;

Fees of  
Crown.

(b) Make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of  
solicitors.

(c) Prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

(d) Prescribe forms for use in such courts.

Existing  
rules, tariff  
and forms.

(2) The existing rules, fees payable to the Crown, fees to be allowed to solicitors and forms, shall remain in force until altered, amended or repealed as in subsection 1 provided.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to provide that the Lieutenant-Governor in Council may, for the purpose of the Surrogate Courts, make rules of practice and procedure, regulate and fix fees payable to the Crown, prescribe a tariff of fees payable to solicitors and counsel and prescribe forms. Uniform provisions are contained in Bills relating to the General Sessions Act and the County Courts Act.

BILL

An Act to amend The Surrogate  
Courts Act.

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

MR. ROEBUCK

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Surrogate Courts Act.

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MR. ROEBUCK

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No. 38

1935

# BILL

## An Act to amend The Surrogate Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Surrogate Courts Amendment Act, 1935*.

Rev. Stat.  
c. 94, s. 72,  
re-enacted.

**2.** Section 72 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Power of  
Lieut.-Gov.  
in Council  
as to,—

72.—(1) Notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council may:

Rules of  
practice.

(a) Make rules for regulating the practice and procedure in the surrogate courts;

Fees of  
Crown.

(b) Make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of  
solicitors.

(c) Prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

(d) Prescribe forms for use in such courts.

Existing  
rules, tariff  
and forms.

(2) The existing rules, fees payable to the Crown, fees to be allowed to solicitors and forms, shall remain in force until altered, amended or repealed as in subsection 1 provided.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





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BILL

An Act to amend The Surrogate  
Courts Act.

---

*1st Reading*

March 18th, 1935

*2nd Reading*

March 27th, 1935

*3rd Reading*

April 1st, 1935

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MR. ROEBUCK

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No. 39

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The County Judges Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 39

1935

# BILL

An Act to amend The County Judges Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The County Judges Amendment Act, 1935*.
- Rev. Stat.  
c. 90, ss. 21,  
22 repealed.      **2.** Sections 21 and 22 of *The County Judges Act* are repealed.
- Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to abolish the Board of County Judges. The present duties of the Board are being assigned to the Lieutenant-Governor in Council by other Bills which are being introduced.

BILL

An Act to amend The County  
Judges Act.

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

MR. ROEBUCK

No. 39

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The County Judges Act.

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MR. ROEBUCK

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No. 39

1935

# BILL

An Act to amend The County Judges Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The County Judges Amendment Act, 1935*.
- Rev. Stat.  
c. 90, ss. 21,  
22 repealed.      **2.** Sections 21 and 22 of *The County Judges Act* are repealed.
- Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.





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BILL

An Act to amend The County  
Judges Act.

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*1st Reading*

March 18th, 1935

*2nd Reading*

March 27th, 1935

*3rd Reading*

April 1st, 1935

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MR. ROEBUCK

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No. 40

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The County Courts Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 40

1935

# BILL

## An Act to amend The County Courts Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The County Courts Amendment Act, 1935*.

Rev. Stat.  
c. 91, s. 43,  
re-enacted.      **2.** Section 43 of *The County Courts Act* is repealed and the following substituted therefor:

Power of  
Lieutenant-  
Governor  
in Council  
as to,—      43.—(1) Notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council may:

Rules of  
practice.      (a) Make rules for regulating the practice and procedure in the County and District Courts;

Fees of  
Crown.      (b) Make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of  
solicitors.      (c) Prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.      (d) Prescribe forms for use in such courts.

Existing  
rules, tariff  
and forms.      (2) The existing rules, fees payable to the Crown, fees to be allowed to solicitors and forms, shall remain in force until altered, amended or repealed as in subsection 1 provided.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to provide that the Lieutenant-Governor in Council may, for the purpose of the County Courts Act, make rules of practice and procedure, regulate and fix fees payable to the Crown, prescribe a tariff of fees payable to solicitors and counsel and prescribe forms. Uniform provisions are contained in Bills relating to the Courts of General Sessions and the Surrogate Courts Act.

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BILL

An Act to amend The County  
Courts Act.

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*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 40

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The County Courts Act.

---

MR. ROEBUCK

---

No. 40

1935

# BILL

## An Act to amend The County Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The County Courts Amendment Act, 1935*.

Rev. Stat.  
c. 91, s. 43,  
re-enacted.

2. Section 43 of *The County Courts Act* is repealed and the following substituted therefor:

Power of  
Lieutenant-  
Governor  
in Council  
as to,—

43.—(1) Notwithstanding the provisions of any other Act of this Legislature the Lieutenant-Governor in Council may:

Rules of  
practice.

(a) Make rules for regulating the practice and procedure in the county and district courts;

Fees of  
Crown.

(b) Make rules and regulations regulating and fixing all fees payable to the Crown in respect of proceedings in such courts;

Fees of  
solicitors.

(c) Prescribe a tariff of fees to be allowed to solicitors and counsel practising in such courts;

Forms.

(d) Prescribe forms for use in such courts.

Existing  
rules, tariff  
and forms.

(2) The existing rules, fees payable to the Crown, fees to be allowed to solicitors and forms, shall remain in force until altered, amended or repealed as in subsection 1 provided.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.





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BILL

An Act to amend The County  
Courts Act.

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*1st Reading*

March 18th, 1935

*2nd Reading*

March 27th, 1935

*3rd Reading*

April 1st, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Commissioners for Taking Affidavits Act.

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MR. LEDUC

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No. 41

1935

# BILL

## An Act to amend The Commissioners for Taking Affidavits Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Commissioners for Taking Affidavits Amendment Act, 1935*.

Rev. Stat.  
c. 109, s. 2,  
subss. 1 and  
2 re-enacted.

**2.** Subsections 1 and 2 of section 2 of *The Commissioners for Taking Affidavits Act* are repealed and the following substituted therefor:

Clerk of  
municipality  
to be *ex*  
*officio* com-  
missioner.

(1) The clerk of every municipality shall be *ex officio* a commissioner for taking affidavits in and for the county in which such municipality is located.

Member of  
Legislative  
Assembly to  
be *ex officio*  
commis-  
sioner.

(2) Every member of the Legislative Assembly shall be *ex officio* a commissioner for taking affidavits in and for every county in Ontario.

Rev. Stat.  
c. 109, s. 4a  
(1933, c. 59,  
s. 13)  
amended.

**3.** Section 4a of *The Commissioners for Taking Affidavits Act* as enacted by section 13 of *The Statute Law Amendment Act, 1933*, is amended by inserting after the word "Dominion" in the third line the words "or of the Department of Public Welfare," so that the said section shall now read as follows:

Power to  
take oaths.

4a. The Lieutenant-Governor in Council may confer upon such officers and employees of the Income Tax Division, Department of National Revenue (Dominion) or of the Department of Public Welfare, as he may designate, full power to administer oaths and take affidavits in connection with the performance of their official duties, but limited as the Lieutenant-Governor in Council may determine.

Rev. Stat.  
c. 109, s. 5,  
subs. 1 re-  
enacted.

**4.—**(1) Subsection 1 of section 5 of *The Commissioners for Taking Affidavits Act* is repealed and the following substituted therefor:

#### EXPLANATORY NOTES

Section 2. The section takes away from the judges of the Supreme Court the power to appoint commissioners. The section appoints every clerk of every municipality and every member of the Legislative Assembly a commissioner for taking affidavits *ex officio*.

Section 3. The purpose of the amendment is to give the Lieutenant-Governor in Council power to confer upon officers of the Department of Public Welfare the authority to take affidavits respecting applications for relief.

Section 4.—(1) The amendment made to subsection 1 of section 5 of the Act, gives to the Lieutenant-Governor power to appoint commissioners for taking affidavits within Ontario.

Commissioners,  
appointment  
of.

- (1) The Lieutenant-Governor may, by commission, empower any person of the full age of twenty-one years or over to administer oaths and take affidavits within or without Ontario in or concerning actions, causes or matters depending in or in anywise concerning any proceeding to be had in any court in Ontario.

Rev. Stat.  
c. 109, s. 5  
amended.

- (2) The said section 5 is amended by adding thereto the following subsection:

Period of  
appoint-  
ment.

- (1a) The appointment of every such person appointed within Ontario shall be for a period of three years provided that any such appointment may from time to time be renewed for a period of three years at the pleasure of the Lieutenant-Governor in Council.

Rev. Stat.  
c. 109, s. 9  
amended.

- 5.** Section 9 of *The Commissioners for Taking Affidavits Act* is repealed and the following substituted therefor:

Revocation  
of  
commission.

9. The Lieutenant-Governor may revoke the commission of any commissioner appointed by him or by the judges of the Supreme Court or any court formerly authorized to issue commissions, and such revocation shall operate as a revocation for all purposes.

Rev. Stat.  
c. 109, s. 10  
amended.

- 6.** Section 10 of *The Commissioners for Taking Affidavits Act* is amended by adding thereto the following subsection:

Indication  
of expiry of  
commission.

- (2) Every commissioner appointed within Ontario under the provisions of section 5 shall indicate in writing under his signature the date upon which his commission expires.

Rev. Stat.  
c. 109  
amended.

- 7.** *The Commissioners for Taking Affidavits Act* is amended by adding thereto the following section:

Regulations.

14. The Lieutenant-Governor may make regulations respecting the fees payable to the Crown and the fees receivable by commissioners under this Act.

Commence-  
ment of Act.

- 8.** This Act shall come into force on the day upon which it receives the Royal Assent.



Section 4.—(2) The addition of a subsection 2 to section 5 of the Act provides that commissioners appointed within Ontario shall be appointed for a period of three years only. This does not apply to solicitors, clerks of municipalities, judges, clerks of county and district courts, officers and clerks of the Income Tax Division, Department of National Revenue (Dominion) and officers of the Department of Public Welfare, all of which persons are appointed commissioners under other sections of the Act.

Section 5. This amendment gives power to the Lieutenant-Governor to revoke commissions issued by him, or by the judges.

Section 6. The subsection 2 which it is proposed to add to section 10 of *The Commissioners for Taking Affidavits Act* provides that every commissioner who is appointed for a term of years shall indicate beneath his signature on every affidavit, declaration or other document, the date upon which his commission expires.

Section 7. The new section 14 gives power to the Lieutenant-Governor to regulate the fees payable to the Crown by, and receivable by commissioners.







BILL

An Act to amend The Commissioners  
for Taking Affidavits Act.

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

MR. LEDUC

No. 41

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Commissioners for Taking Affidavits Act.

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MR. LEDUC

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No. 41

1935

# BILL

## An Act to amend The Commissioners for Taking Affidavits Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Commissioners for Taking Affidavits Amendment Act, 1935*.

Rev. Stat.  
c. 109, s. 2,  
subss. 1 and  
2 re-enacted.      **2.** Subsections 1 and 2 of section 2 of *The Commissioners for Taking Affidavits Act* are repealed and the following substituted therefor:

Clerk of  
municipality  
to be *ex*  
*officio* com-  
missioner.      (1) The clerk of every county, district and union of counties shall be *ex officio* a commissioner for taking affidavits in and for such county, district or union of counties and the clerk of every other municipality shall be *ex officio* a commissioner for taking affidavits in and for the county, district or union of counties in which such municipality is located.

Member of  
Legislative  
Assembly to  
be *ex officio*  
commis-  
sioner.      (2) Every member of the Legislative Assembly shall be *ex officio* a commissioner for taking affidavits within Ontario.

Rev. Stat.  
c. 109, s. 4a  
(1933, c. 59,  
s. 13)  
amended.      **3.** Section 4a of *The Commissioners for Taking Affidavits Act* as enacted by section 13 of *The Statute Law Amendment Act, 1933*, is amended by inserting after the word "Dominion" in the third line the words "or of the Agricultural Development Board or the Department of Public Welfare," so that the said section shall now read as follows:

Power to  
take oaths.      **4a.** The Lieutenant-Governor in Council may confer upon such officers and employees of the Income Tax Division, Department of National Revenue (Dominion) or of the Agricultural Development Board or the Department of Public Welfare, as he may designate, full power to administer oaths and take affidavits in connection with the performance of their official duties, but limited as the Lieutenant-Governor in Council may determine.

4.—(1) Subsection 1 of section 5 of *The Commissioners for Taking Affidavits Act* is repealed and the following substituted therefor: Rev. Stat.  
c. 109, s. 5,  
subs. 1 re-  
enacted.

- (1) The Lieutenant-Governor may, by commission, empower any person of the full age of twenty-one years or over to administer oaths and take affidavits within or without Ontario in or concerning actions, causes or matters depending in or in anywise concerning any proceeding to be had in any court in Ontario. Commis-  
sioners,  
appointment  
of.

(2) The said section 5 is amended by adding thereto the following subsection: Rev. Stat.  
c. 109, s. 5  
amended.

- (1a) The appointment of every such person appointed within Ontario shall be for a period of three years provided that any such appointment may from time to time be renewed for a period of three years at the pleasure of the Lieutenant-Governor. Period of  
appoint-  
ment.

5. Section 9 of *The Commissioners for Taking Affidavits Act* is repealed and the following substituted therefor: Rev. Stat.  
c. 109, s. 9  
amended.

9. The Lieutenant-Governor may revoke the commission of any commissioner appointed by him or by the judges of the Supreme Court or any court formerly authorized to issue commissions, and such revocation shall operate as a revocation for all purposes. Revocation  
of  
commission.

6. Section 10 of *The Commissioners for Taking Affidavits Act* is amended by adding thereto the following subsection: Rev. Stat.  
c. 109, s. 10  
amended.

- (2) Every commissioner appointed within Ontario under the provisions of section 5 shall indicate in writing under his signature the date upon which his commission expires. Indication  
of expiry of  
commission.

7. *The Commissioners for Taking Affidavits Act* is amended by adding thereto the following section: Rev. Stat.  
c. 109  
amended.

14. The Lieutenant-Governor may make regulations respecting the fees payable to the Crown and the fees receivable by commissioners under this Act. Regulations.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of Act.

BILL

An Act to amend The Commissioners  
for Taking Affidavits Act.

*1st Reading*

March 18th, 1935

*2nd Reading*

March 27th, 1935

*3rd Reading*

April 12th, 1935

MR. LEDUC



No. 42

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting the Fiscal Year.

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MR. HEPBURN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 42

1935

# BILL

## An Act respecting the Fiscal Year.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Fiscal Year Act, 1935*.

Interpretation "old fiscal year," "new fiscal year."

2. In this Act the expression "old fiscal year" shall mean the fiscal year as heretofore constituted, and the expression "new fiscal year" shall mean the fiscal year as constituted under section 3 of this Act.

Rev. Stat. c. 25, s. 20, subs. 1 re-enacted.

3. Subsection 1 of section 20 of *The Audit Act* is repealed and the following substituted therefor:

Fiscal year.

(1) The public accounts shall include the period from the 1st day of April in one year to the 31st day of March in the next year which period shall constitute the fiscal year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the fiscal year; and all balances of appropriation which remain unexpended at the end of the fiscal year shall lapse and be written off; provided, that upon cause being shown to the satisfaction of the Lieutenant-Governor in Council he may, by Order-in-Council to be made before the 1st day of April of each year, extend the time for finally closing the account of any appropriation, for a period of not more than one month from the end of the fiscal year; after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off, but any accounts for services during the preceding fiscal year which remain unpaid at the end of the period above mentioned shall be paid out of the appropriation for the ensuing fiscal year.

Re-adjustment of dates in consequence of change in fiscal year.

4.—(1) Where in any Act heretofore passed, or passed during the present Session or in any regulation or order made under the authority of any such Act, a day or time is desig-



#### EXPLANATORY NOTE

The purpose of this Bill is to change the fiscal year so that it will date from April 1st to March 31st, in place of November 1st to October 31st as at present, so that the provincial fiscal year will coincide with that of the Dominion.

nated for any purpose, and the Lieutenant-Governor in Council is of opinion that the day or time so designated was fixed because of its relation to the old fiscal year, or that the day or time designated for such purpose should bear a corresponding relation to the new fiscal year, the Lieutenant-Governor in Council may, by Order-in-Council, declare that the day or time fixed for such purpose shall be changed so that it shall bear to the new fiscal year the same relation as the day or time previously designated bore to the old fiscal year.

Orders-in-Council may be retro-active.

(2) Orders-in-Council passed under the authority of this section may be made retroactive to take effect from the 1st day of November, 1934.

Fiscal year for 1935.

5. The fiscal year 1935 shall consist of five months only, commencing on the 1st day of November, 1934, and ending on the 31st day of March, 1935.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of November, 1934.







BILL

An Act respecting the Fiscal Year.

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

MR. HEPBURN

No. 42

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting the Fiscal Year.

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MR. HEPBURN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

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**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Fiscal Year Act, 1935*.

Interpretation "old fiscal year," "new fiscal year."

2. In this Act the expression "old fiscal year" shall mean the fiscal year as heretofore constituted, and the expression "new fiscal year" shall mean the fiscal year as constituted under section 3 of this Act.

Rev. Stat. c. 25, s. 20, subs. 1 re-enacted.

3. Subsection 1 of section 20 of *The Audit Act* is repealed and the following substituted therefor:

Fiscal year.

(1) The public accounts shall include the period from the 1st day of April in one year to the 31st day of March in the next year which period shall constitute the fiscal year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the fiscal year; and all balances of appropriation which remain unexpended at the end of the fiscal year shall lapse and be written off; provided, that upon cause being shown to the satisfaction of the Lieutenant-Governor in Council he may, by Order-in-Council to be made before the 1st day of April of each year, extend the time for finally closing the account of any appropriation, for a period of not more than one month from the end of the fiscal year; after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off, but any accounts for services during the preceding fiscal year which remain unpaid at the end of the period above mentioned shall be paid out of the appropriation for the ensuing fiscal year.

Re-adjustment of dates in consequence of change in fiscal year.

4.—(1) Where in any Act heretofore passed, or passed during the present Session or in any regulation or order made under the authority of any such Act, a day or time is desig-



nated for any purpose, and the Lieutenant-Governor in Council is of opinion that the day or time so designated was fixed because of its relation to the old fiscal year, or that the day or time designated for such purpose should bear a corresponding relation to the new fiscal year, the Lieutenant-Governor in Council may, by Order-in-Council, declare that the day or time fixed for such purpose shall be changed so that it shall bear to the new fiscal year the same relation as the day or time previously designated bore to the old fiscal year.

(2) Orders-in-Council passed under the authority of this section may be made retroactive to take effect from the 1st day of November, 1934. <sup>Orders-in-Council may be retro-active.</sup>

5. The fiscal year 1935 shall consist of five months only, <sup>Fiscal year for 1935.</sup> commencing on the 1st day of November, 1934, and ending on the 31st day of March, 1935.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of November, 1934. <sup>Commencement of Act.</sup>

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BILL

An Act respecting the Fiscal Year.

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*1st Reading*

March 18th, 1935

*2nd Reading*

March 27th, 1935

*3rd Reading*

April 3rd, 1935

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MR. HEPBURN

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No. 43

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Power Commission Act.

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MR. MCQUESTEN

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TORONTO :  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 43

1935

# BILL

## An Act to amend The Power Commission Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Power Commission Amendment Act, 1935*.

Rev. Stat.  
c. 57, s. 97,  
subs. 2  
amended.

**2.**—(1) Subsection 2 of section 97 of *The Power Commission Act* as amended by section 11 of *The Power Commission Act, 1930*, and subsection 2 of section 8 of *The Power Commission Act, 1931*, is repealed and the following substituted therefor:

Municipal  
commission  
—how com-  
posed in city  
of 60,000 or  
over.

(2) Notwithstanding anything contained in *An Act respecting the City of Toronto*, passed in the first year of the reign of His Majesty, King George the Fifth, chaptered 119, in a city having a population of sixty thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the Commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy shall consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city to hold office for two years and until his successor is appointed, and the third of whom shall be appointed by and shall hold office during the pleasure of the Commission.

Rev. Stat.  
c. 57, s. 97,  
subs. 3  
(1931, c. 13,  
s. 8 (3))  
repealed.

(2) Subsection 3 of the said section 97 as enacted by subsection 3 of section 8 of *The Power Commission Act, 1931*, is repealed.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of August, 1934.

#### EXPLANATORY NOTE

The object of this amendment is to remove the limitation on the term of office of the member of the municipal commission appointed by the Hydro-Electric Power Commission in cities having a population of 60,000 or over.

Subsection 3 of section 97 of *The Power Commission Act* which provides for the order of appointment of commissioners as vacancies occur due to the term of office being completed, is repealed, being no longer necessary.

BILL

An Act to amend The Power  
Commission Act.

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

MR. McQUESTON

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Power Commission Act.

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MR. MCQUESTEN

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No. 43

1935

# BILL

An Act to amend The Power Commission Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Commission Amendment Act, 1935*.

Rev. Stat.  
c. 57, s. 97,  
subs. 2  
amended.

2.—(1) Subsection 2 of section 97 of *The Power Commission Act* as amended by section 11 of *The Power Commission Act, 1930*, and subsection 2 of section 8 of *The Power Commission Act, 1931*, is repealed and the following substituted therefor:

Municipal  
commission  
—how com-  
posed in city  
of 60,000 or  
over.

(2) Notwithstanding anything contained in *An Act respecting the City of Toronto*, passed in the first year of the reign of His Majesty, King George the Fifth, chaptered 119, in a city having a population of sixty thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy shall consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city to hold office for two years and until his successor is appointed, and the third of whom shall be appointed by and shall hold office during the pleasure of the Commission.

Rev. Stat.  
c. 57, s. 97,  
subs. 3  
(1931, c. 13,  
s. 8, subs. 3)  
repealed.

(2) Subsection 3 of the said section 97 as enacted by subsection 3 of section 8 of *The Power Commission Act, 1931*, is repealed.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of August, 1934.





BILL

An Act to amend The Power  
Commission Act.

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*1st Reading*

March 18th, 1935

*2nd Reading*

March 25th, 1935

*3rd Reading*

April 1st, 1935

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MR. McQUESTEN

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No. 44

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Niagara Parks Act.

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MR. HEPBURN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 44

1935

# BILL

An Act to amend The Niagara Parks Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title

1. This Act may be cited as *The Niagara Parks Amendment Act, 1935*.

Rev. Stat.,  
c. 81, s. 2,  
amended.

2. Section 2 of *The Niagara Parks Act* is amended by adding thereto the following subsections:

Appoint-  
ment of  
members.

(4) Any member of the Legislative Assembly may be appointed as a member of the Commission.

Payment of  
member of  
Assembly  
acting on  
Commission

Rev. Stat.,  
c. 12.

(5) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the Chairman or of any other member of the Commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The object of this amendment is to allow any member of the Legislative Assembly to be appointed to the Niagara Parks Commission and to accept remuneration for out-of-pocket expenses without being disqualified under the provisions of The Legislative Assembly Act.

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BILL

An Act to amend The Niagara Parks Act.

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*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Niagara Parks Act.

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MR. HEPBURN

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No. 44

1935

# BILL

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Rev. Stat.,  
c. 81, s. 2,  
amended.

2. Section 2 of *The Niagara Parks Act* is amended by adding thereto the following subsections:

Appoint-  
ment of  
members.

(4) Any member of the Legislative Assembly may be appointed as a member of the Commission.

Payment of  
member of  
Assembly  
acting on  
Commission

(5) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the Chairman or of any other member of the Commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly.

Rev. Stat.,  
c. 12.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



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BILL

An Act to amend The Niagara Parks Act.

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*1st Reading*

March 18th, 1935

*2nd Reading*

March 27th, 1935

*3rd Reading*

April 3rd, 1935

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MR. HEPBURN

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No. 45

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Provincial Parks Act.

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MR. HEENAN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 45

1935

# BILL

An Act to amend The Provincial Parks Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Provincial Parks Amendment Act, 1935*.

Rev. Stat.,  
c. 82, s. 21,  
subs. 3,  
repealed.      **2.** Subsection 3 of section 21 of *The Provincial Parks Act* is repealed.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE.

The amendment is to abolish the section of The Provincial Parks Act prohibiting the sale of liquor and the possession by any one person of more than one quart of spirits or nine quarts of beer in a provincial park. These matters are adequately dealt with in *The Liquor Control Act*.

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BILL

An Act to amend The Provincial Parks  
Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEENAN

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No. 45

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Provincial Parks Act.

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MR. HEENAN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 45

1935

# BILL

An Act to amend The Provincial Parks Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Provincial Parks Amendment Act, 1935*.

Rev. Stat.,  
c. 82, s. 21,  
subs. 3,  
repealed.

**2.** Subsection 3 of section 21 of *The Provincial Parks Act* is repealed.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



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BILL  
An Act to amend The Provincial Parks  
Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

March 11th, 1935

*3rd Reading*

March 25th, 1935

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MR. HEENAN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Bills of Sale and Chattel Mortgages Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Bills of Sale and Chattel Mortgages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1935*.

Rev. Stat.,  
c. 164, s. 24,  
subs. 11  
(1933,  
c. 3, s. 2),  
amended.

**2.** Subsection 11 of section 24 of *The Bills of Sale and Chattel Mortgages Act* as enacted by section 3 of *The Bills of Sale and Chattel Mortgages Act, 1933*, is amended by adding at the end thereof the words "and for the purposes of registration of any further statement of renewal, such statement of renewal shall be deemed to have been registered upon the actual date of registration" so that the said subsection shall now read as follows:

Registration  
of renewals  
after  
statutory  
period.

(11) Where a statement of renewal is not duly registered within the time prescribed by this section, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse, and that the parties have acted and are acting in good faith, but in such case the renewal statement shall as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration who have purchased or have given credit after the expiry of the mortgage but before registration be deemed to have been executed and to be effective only from the date of registration, and, for the purposes of registration of any further statement of renewal, such statement of renewal shall be deemed to have been registered upon the actual date of registration.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Subsection 11 of section 24 now provides that where a statement of renewal is not duly registered within the time prescribed by the section (one year from the date of registration of the chattel mortgage or last statement of renewal) the judge of the county or district court may permit the same to be registered at a later date on certain conditions. The purpose of the amendment is to definitely prescribe the time within which the next following statement of renewal must be registered.

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BILL

An Act to amend The Bills of Sale and  
Chattel Mortgages Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 46

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Bills of Sale and Chattel Mortgage Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Bills of Sale and Chattel Mortgage Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Bills of Sale and Chattel Mortgage Amendment Act, 1935*.

Rev. Stat.,  
c. 164, s. 24,  
subs. 11  
(1933,  
c. 3, s. 2),  
amended.      **2.** Subsection 11 of section 24 of *The Bills of Sale and Chattel Mortgage Act* as enacted by section 2 of *The Bills of Sale and Chattel Mortgage Act, 1933*, is amended by adding at the end thereof the words "and, for the purposes of registration of any further statement of renewal, such statement of renewal shall be deemed to have been registered upon the actual date of registration" so that the said subsection shall now read as follows:

Registration  
of renewals  
after  
statutory  
period.

- (11) Where a statement of renewal is not duly registered within the time prescribed by this section, the judge of the county or district court may permit the same to be registered at a later date upon being satisfied by affidavit, or affidavits, that the failure to register arose from misadventure, ignorance or some other cause which constitutes a reasonable excuse, and that the parties have acted and are acting in good faith, but in such case the renewal statement shall as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration who have purchased or have given credit after the expiry of the mortgage but before registration be deemed to have been executed and to be effective only from the date of registration, and, for the purposes of registration of any further statement of renewal, such statement of renewal shall be deemed to have been registered upon the actual date of registration.

Commence-  
ment of  
Act.

- 3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Bills of Sale and  
Chattel Mortgage Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

March 6th, 1935

*3rd Reading*

March 25th, 1935

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MR. ROEBUCK

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No. 47

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Division Courts Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 47

1935

# BILL

## An Act to amend The Division Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Division Courts Amendment Act, 1935*.

Rev. Stat.,  
c. 95, s. 4,  
re-enacted.      **2.** Section 4 of *The Division Courts Act* is repealed and the following substituted therefor:

Number of  
Courts in  
each county.      **4.** There shall be not more than twelve division courts in any county.

Rev. Stat.,  
c. 95, s. 9,  
subs. 1,  
amended.      **3.**—(1) Subsection 1 of section 9 of *The Division Courts Act* is amended by adding the words "subject however to any direction which may be made by the Lieutenant-Governor in Council" after the word "courts" in the fifth line thereof.

Rev. Stat.,  
c. 95, s. 9,  
subs. 2,  
amended.      (2) Subsection 2 of section 9 of *The Division Courts Act* is amended by striking out the words "If the judge of the county court, the sheriff and the inspector, or any two of them, certify" in the first and second lines and inserting in lieu thereof the words "Where it appears" so that the said subsection shall now read as follows:

Lieutenant-Governor to regulate holding of courts.      (2) Where it appears to the Lieutenant-Governor that, in any division of the county, it is expedient that the court should not be held so often as once in every two months, the Lieutenant-Governor in Council may order the court to be held at such periods as to him seems meet, but a court shall be held in the division at least once in every six months.

Rev. Stat.,  
c. 95, s. 14,  
re-enacted.      **4.** Section 14 of *The Division Courts Act* is repealed and the following substituted therefor:

Lieutenant-Governor to determine number and limits of divisions.      **14.** The Lieutenant-Governor in Council may appoint and alter the number and limits of the divisions and may number the divisions.

#### EXPLANATORY NOTE

Section 2. Section 4 of the Act is re-enacted to avoid the necessity of having a division court in every county town and city.

Section 3 (1). Where a division court covers a large area it is often desirable that a sitting of the court be held in two or more places. The amendment gives to the Lieutenant-Governor in Council power to direct that the courts be held at such places as he deems advisable.

Sections 3 (2), 4 and 5. The purpose of these amendments is to eliminate the board which exists in each county, and union of counties, consisting of the judge, the sheriff, the warden and the Inspector of Division Courts and in a provisional judicial district, of the district court judge, the sheriff and the Inspector, and to transfer the power now held by the various boards to the Lieutenant-Governor in Council.



Rev. Stat.,  
c. 95, s. 17,  
subs. 2,  
amended.

5.—(1) Subsection 2 of section 17 of *The Division Courts Act* is amended by striking out the words "subject to be thereafter altered by the board" in the fifth and sixth lines.

Rev. Stat.,  
c. 95, s. 17,  
subs. 4,  
amended.

(2) Subsection 4 of the said section 17 is amended by striking out the word "board" in the third line and inserting in lieu thereof the word "inspector," and by striking out the words "at a meeting to be called for the purpose or at an adjourned meeting" in the fifth and sixth lines, so that the said subsection shall now read as follows:

Power of  
inspector  
as to regu-  
lation of  
limits on  
separation  
of a county.

- (4) If the Lieutenant-Governor does not by proclamation fix and determine the number and limits of the divisions for the new county, the inspector shall, within three months after the issuing of the proclamation for establishing the new county, appoint the number and limits of the divisions for the county and the time when such appointment shall take effect.

Rev. Stat.,  
c. 95, s. 41,  
subs. 1,  
amended.

6. Subsection 1 of section 41 of *The Division Courts Act* is amended by striking out the words "hereafter to be made by the Board of County Judges, and approved under the provisions of this Act" in the third, fourth and fifth lines and inserting in lieu thereof the words "as may hereafter be approved by the Lieutenant-Governor in Council" so that the said subsection shall now read as follows:

Clerk and  
bailiff  
to be paid  
by fees.

- (1) The clerk and the bailiff shall be paid by fees as provided and allowed by the general rules or orders of the Board of County Judges heretofore in force or as may hereafter be prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 95,  
amended.

7. *The Division Courts Act* is amended by adding thereto the following section:

Rules to be  
made by  
Lieutenant-  
Governor  
in Council.

- 216a. The Lieutenant-Governor in Council may make rules for regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein, and every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting such courts.

Commence-  
ment of  
Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Sections 6 and 7. The purpose of the new section 216a is to give to the Lieutenant-Governor in Council the power to make rules relating to practice and procedure in the Courts, which power is now held by the Board of County Judges.







BILL

An Act to amend The Division Courts  
Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 47

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Division Courts Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Division Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Division Courts Amendment Act, 1935*.

Rev. Stat.,  
c. 95, s. 4,  
re-enacted.      **2.** Section 4 of *The Division Courts Act* is repealed and the following substituted therefor:

Number of  
Courts in  
each county.      **4.** There shall be not more than twelve division courts in any county.

Rev. Stat.,  
c. 95, s. 9,  
subs. 1,  
amended.      **3.**—(1) Subsection 1 of section 9 of *The Division Courts Act* is amended by adding the words "subject however to any direction which may be made by the Lieutenant-Governor in Council" after the word "courts" in the fifth line thereof.

Rev. Stat.,  
c. 95, s. 9,  
subs. 2,  
amended.      (2) Subsection 2 of section 9 of *The Division Courts Act* is amended by striking out the words "If the judge of the county court, the sheriff and the inspector, or any two of them, certify" in the first and second lines and inserting in lieu thereof the words "Where it appears" so that the said subsection shall now read as follows:

Lieutenant-Governor to regulate holding of courts.      (2) Where it appears to the Lieutenant-Governor that, in any division of the county, it is expedient that the court should not be held so often as once in every two months, the Lieutenant-Governor in Council may order the court to be held at such periods as to him seems meet, but a court shall be held in the division at least once in every six months.

Rev. Stat.,  
c. 95, s. 14,  
re-enacted.      **4.** Section 14 of *The Division Courts Act* is repealed and the following substituted therefor:

Lieutenant-Governor to determine number and limits of divisions.      **14.** The Lieutenant-Governor in Council may appoint and alter the number and limits of the divisions and may number the divisions.

#### EXPLANATORY NOTE

Section 2. Section 4 of the Act is re-enacted to avoid the necessity of having a division court in every county town and city.

Section 3 (1). Where a division court covers a large area it is often desirable that a sitting of the court be held in two or more places. The amendment gives to the Lieutenant-Governor in Council power to direct that the courts be held at such places as he deems advisable.

Sections 3 (2), 4 and 5. The purpose of these amendments is to eliminate the board which exists in each county, and union of counties, consisting of the judge, the sheriff, the warden and the Inspector of Division Courts and in a provisional judicial district, of the district court judge, the sheriff and the Inspector, and to transfer the power now held by the various boards to the Lieutenant-Governor in Council.



Rev. Stat.,  
c. 95, s. 17,  
subs. 2,  
amended.

5.—(1) Subsection 2 of section 17 of *The Division Courts Act* is amended by striking out the words "subject to be thereafter altered by the board" in the fifth and sixth lines.

Rev. Stat.,  
c. 95, s. 17,  
subs. 4,  
amended.

(2) Subsection 4 of the said section 17 is amended by striking out the word "board" in the third line and inserting in lieu thereof the word "inspector," and by striking out the words "at a meeting to be called for the purpose or at an adjourned meeting" in the fifth and sixth lines, so that the said subsection shall now read as follows:

Power of  
inspector  
as to regu-  
lation of  
limits on  
separation  
of a county.

(4) If the Lieutenant-Governor does not by proclamation fix and determine the number and limits of the divisions for the new county, the inspector shall, within three months after the issuing of the proclamation for establishing the new county, appoint the number and limits of the divisions for the county and the time when such appointment shall take effect.



Rev. Stat.,  
c. 95, s. 41,  
subs. 1,  
amended.

6. Subsection 1 of section 41 of *The Division Courts Act* is amended by striking out all the words after the word "orders" at the end of the second line and inserting in lieu thereof the words "of the Board of County Judges heretofore in force or as may hereafter be prescribed by the Lieutenant-Governor in Council" so that the said subsection shall now read as follows:



Clerk and  
bailiff  
to be paid  
by fees.

(1) The clerk and the bailiff shall be paid by fees as provided and allowed by the general rules or orders of the Board of County Judges heretofore in force or as may hereafter be prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 95,  
amended.

7. *The Division Courts Act* is amended by adding thereto the following section:

Rules to be  
made by  
Lieutenant-  
Governor  
in Council.

216a. The Lieutenant-Governor in Council may make rules for regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein, and every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting such courts.

Commence-  
ment of  
Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Sections 6 and 7. The purpose of the new section 216a is to give to the Lieutenant-Governor in Council the power to make rules relating to practice and procedure in the Courts, which power is now held by the Board of County Judges.







BILL

An Act to amend The Division Courts  
Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

March 8th, 1935

*3rd Reading*

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MR. ROEBUCK

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*(Reprinted as amended by Committee of  
the Whole House)*

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Division Courts Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Division Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Division Courts Amendment Act, 1935*.
- Rev. Stat.,  
c. 95, s. 4,  
re-enacted.      **2.** Section 4 of *The Division Courts Act* is repealed and the following substituted therefor:
- Number of  
courts in  
any county.      **4.** There shall be not more than twelve division courts in any county.
- Rev. Stat.,  
c. 95, s. 9,  
subs. 1,  
amended.      **3.—(1)** Subsection 1 of section 9 of *The Division Courts Act* is amended by adding the words "subject however to any direction which may be made by the Lieutenant-Governor in Council" after the word "courts" in the fifth line thereof.
- Rev. Stat.,  
c. 95, s. 9,  
subs. 2,  
amended.      **(2)** Subsection 2 of section 9 of *The Division Courts Act* is amended by striking out the words "If the judge of the county court, the sheriff and the inspector, or any two of them, certify" in the first and second lines and inserting in lieu thereof the words "Where it appears" so that the said subsection shall now read as follows:
- Lieutenant-  
Governor  
to regulate  
holding  
of courts.      **(2)** Where it appears to the Lieutenant-Governor that, in any division of the county, it is expedient that the court should not be held so often as once in every two months, the Lieutenant-Governor in Council may order the court to be held at such periods as to him seems meet, but a court shall be held in the division at least once in every six months.
- Rev. Stat.,  
c. 95, s. 14,  
re-enacted.      **4.** Section 14 of *The Division Courts Act* is repealed and the following substituted therefor:
- Lieutenant-  
Governor to  
determine  
number and  
limits of  
divisions.      **14.** The Lieutenant-Governor in Council may appoint and alter the number and limits of the divisions and may number the divisions.

5.—(1) Subsection 2 of section 17 of *The Division Courts Act* is amended by striking out the words "subject to be thereafter altered by the board" in the fifth and sixth lines. Rev. Stat., c. 95, s. 17, subs. 2, amended.

(2) Subsection 4 of the said section 17 is amended by striking out the word "board" in the third line and inserting in lieu thereof the word "inspector," and by striking out the words "at a meeting to be called for the purpose or at an adjourned meeting" in the fifth and sixth lines, so that the said subsection shall now read as follows: Rev. Stat., c. 95, s. 17, subs. 4, amended.

(4) If the Lieutenant-Governor does not by proclamation fix and determine the number and limits of the divisions for the new county, the inspector shall, within three months after the issuing of the proclamation for establishing the new county, appoint the number and limits of the divisions for the county and the time when such appointment shall take effect. Power of inspector as to regulation of limits on separation of a county.

6. Subsection 1 of section 41 of *The Division Courts Act* is amended by striking out all the words after the word "orders" at the end of the second line and inserting in lieu thereof the words "of the Board of County Judges heretofore in force or as may hereafter be prescribed by the Lieutenant-Governor in Council" so that the said subsection shall now read as follows: Rev. Stat., c. 95, s. 41, subs. 1, amended.

(1) The clerk and the bailiff shall be paid by fees as provided and allowed by the general rules or orders of the Board of County Judges heretofore in force or as may hereafter be prescribed by the Lieutenant-Governor in Council. Clerk and bailiff to be paid by fees.

7. *The Division Courts Act* is amended by adding thereto the following section: Rev. Stat., c. 95, amended.

216a. The Lieutenant-Governor in Council may make rules for regulating any matter relating to the practice and procedure of the courts, or to the duties of the officers thereof, or to the costs of proceedings therein, and every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting such courts. Rules to be made by Lieutenant-Governor in Council.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.



BILL

An Act to amend The Division Courts  
Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

March 8th, 1935

*3rd Reading*

March 25th, 1935

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MR. ROEBUCK

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No. 48

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The County Courts Act.

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MR. ROEBUCK

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No. 48

1935

# BILL

## An Act to amend The County Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The County Courts Amendment Act, 1935*.

Rev. Stat.,  
c. 91, s. 38,  
re-enacted.

**2.** Section 38 of *The County Courts Act* is repealed and the following substituted therefor:

Trans-  
mission of  
pleadings,  
etc.

38.—(1) The clerk shall, at the request of the appellant, transmit to the proper officer of the Supreme Court the pleadings in the cause and all motions or orders made, granted or refused therein together with the judgment or decision and all other papers in the cause affecting the question raised by the appeal.

Evidence  
etc., to  
be certified.

(2) The evidence and all objections and exceptions thereto together with the judge's charge to the jury where the trial has been held with a jury, shall be certified under the hand of the stenographic reporter who was present at the trial.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE.

The purpose of the amendment is to dispense with the present requirement for the obtaining of a certificate from the county court judge covering all papers and proceedings in the action where an appeal is taken from the county court to the Appellate Division of the Supreme Court.

No such certificate is required where an appeal is taken from the decision of a judge of the Supreme Court to the Appellate Division.

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BILL

An Act to amend The County  
Courts Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The County Courts Act.

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MR. ROEBUCK

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No. 48

1935

# BILL

## An Act to amend The County Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The County Courts Amendment Act, 1935*.

Rev. Stat.,  
c. 91, s. 38,  
re-enacted.

**2.** Section 38 of *The County Courts Act* is repealed and the following substituted therefor:

Trans-  
mission of  
pleadings,  
etc.

38.—(1) The clerk shall, at the request of the appellant, transmit to the proper officer of the Supreme Court the pleadings in the cause and all motions or orders made, granted or refused therein together with the judgment or decision and all other papers in the cause affecting the question raised by the appeal.

Evidence  
etc., to  
be certified.

(2) The evidence and all objections and exceptions thereto together with the judge's charge to the jury where the trial has been held with a jury, shall be certified under the hand of the stenographic reporter who was present at the trial.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The County  
Courts Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

March 8th, 1935

*3rd Reading*

March 25th, 1935

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MR. ROEBUCK

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No. 49

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Justices of the Peace Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

An Act to amend The Justices of the Peace Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Justices of the Peace Amendment Act, 1935*.

Rev. Stat.,  
c. 118, s. 2,  
amended.

2. Section 2 of *The Justices of the Peace Act* is amended by striking out the words "one or more" in the third line and by striking out all the words after the word "for" in the fourth line and inserting in lieu thereof the words "the Province of Ontario or any part thereof", so that the said section shall now read as follows:

Appoint-  
ment by  
Lieutenant-  
Governor  
in Council.

2. The Lieutenant-Governor by commission under the Great Seal in pursuance of an Order-in-Council, whenever he thinks fit, may appoint justices of the peace in and for the Province of Ontario or any part thereof.

Rev. Stat.,  
c. 118, s. 5,  
repealed.

3. Section 5 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 6,  
amended.

4. Section 6 of *The Justices of the Peace Act* is amended by inserting the word "practising" after the word "no" in the first line so that the said section shall now read as follows:

Disability of  
practising  
solicitors.

6. Except where otherwise specially provided no practising solicitor shall be a justice of the peace during the time he continues to practise.

Rev. Stat.,  
c. 118, s. 8,  
repealed.

5. Section 8 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 23,  
amended.

6. Section 23 of *The Justices of the Peace Act* is amended by striking out the word "police" in the second line, by inserting after the word "magistrate" in the second line the words "and a justice of the peace," and by striking out the words "and a justice of the peace" in the third line so that the said section shall now read as follows:

#### EXPLANATORY NOTES.

Sections 2 and 3. These amendments abolish the requirement that justices of the police shall be of the most sufficient persons dwelling in the counties, districts or places for which they are appointed and accordingly permits a justice of the peace to be appointed for an area which comprises more than one county.

Section 4. The purpose of the amendment is to permit a solicitor who is not practising as such to act as a Justice of the Peace.

Section 5. This dispenses with the present requirement that a justice of the peace shall be possessed of an estate in land of or above the value of \$1,200.

Section 6. The purpose of the amendment is to provide that a justice of the peace who is in receipt of a salary will not be entitled to the fees provided for by section 23 of *The Justices of the Peace Act*.

The Act already provides that a magistrate who is in receipt of a salary shall not be entitled to such fees.

The word "police" is struck out because the word "magistrate" is now used for all purposes.

Fees in  
certain cases  
not otherwise  
provided for.

R.S.C. 1927,  
c. 36.

Rev. Stat.,  
c. 121.

23. In cases not provided for by the *Criminal Code* and *The Summary Convictions Act* a magistrate and a justice of the peace not receiving a salary shall be entitled to receive from the county, or, in the case of a district, from the Province, \$2 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and fifty cents for each additional hour above two hours.

Commence-  
ment of  
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.







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BILL

An Act to amend The Justices of the  
Peace Act

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*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Crown Witnesses Act.

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MR. ROEBUCK

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No. 50

1935

# BILL

An Act to amend The Crown Witnesses Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Crown Witnesses Amendment Act, 1935*.

Rev. Stat.,  
c. 127, s. 8,  
re-enacted.      **2.** Section 8 of *The Crown Witnesses Act* is repealed and the following substituted therefor:

Reimburse-  
ment of  
one-third  
by Province.      **8.** One-third of the amount paid to witnesses under this Act shall be repaid to the county treasurer out of the Consolidated Revenue Fund if such payment is approved by the County Board of Audit appointed under *The Administration of Justice Expenses Act*.

Rev. Stat.,  
c. 126.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The Government's portion of the expenses in connection with the administration of justice has been paid directly to the county treasurer. Recently certain municipalities have contended that witness fees should be paid directly to the municipality and it is to clear up any doubt on the point that this amendment is introduced.

BILL  
An Act to amend The Crown Witnesses  
Act

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*1st Reading*  
February 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Crown Witnesses Act.

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MR. ROEBUCK

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No. 50

1935

# BILL

An Act to amend The Crown Witnesses Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Crown Witnesses Amendment Act, 1935*.

Rev. Stat.,  
c. 127, s. 8,  
re-enacted.      **2.** Section 8 of *The Crown Witnesses Act* is repealed and the following substituted therefor:

Reimburse-  
ment of  
one-third  
by Province.



**8.** One-third of the amount paid to witnesses under this Act shall be paid to the county treasurer out of the Consolidated Revenue Fund if such payment is approved by the County Board of Audit appointed under *The Administration of Justice Expenses Act* and where such amount has been paid by a municipality other than the county, the county treasurer shall pay to such municipality the amount to which it is entitled.

Rev. Stat.,  
c. 126.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The Government's portion of the expenses in connection with the administration of justice has been paid directly to the county treasurer. Recently certain municipalities have contended that witness fees should be paid directly to the municipality and it is to clear up any doubt on the point that this amendment is introduced.



BILL

An Act to amend The Crown Witnesses  
Act

*1st Reading*

February 25th, 1935

*2nd Reading*

March 8th, 1935

*3rd Reading*

MR. ROEBUCK

*(Reprinted as amended by Committee of  
the Whole House)*

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Crown Witnesses Act.

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MR. ROEBUCK

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No. 50

1935

# BILL

An Act to amend The Crown Witnesses Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Crown Witnesses Amendment Act, 1935*.

Rev. Stat.,  
c. 127, s. 8,  
re-enacted.     **2.** Section 8 of *The Crown Witnesses Act* is repealed and the following substituted therefor:

Reimburse-  
ment of  
one-third  
by Province.

**8.** One-third of the amount paid to witnesses under this Act shall be paid to the county treasurer out of the Consolidated Revenue Fund if such payment is approved by the County Board of Audit appointed under *The Administration of Justice Expenses Act* and where such amount has been paid by a municipality other than the county, the county treasurer shall pay to such municipality the amount to which it is entitled.

Rev. Stat.,  
c. 126.

Commence-  
ment of Act.     **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



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BILL

An Act to amend The Crown Witnesses  
Act

---

*1st Reading*

February 25th, 1935

*2nd Reading*

March 8th, 1935

*3rd Reading*

March 25th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
-25 GEORGE V, 1935

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# BILL

An Act to amend The Insurance Act.

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MR. ROEBUCK

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No. 51

1935

# BILL

An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance Amendment Act, 1935*.

## LIFE INSURANCE

Rev. Stat.,  
c. 222, s. 119,  
re-enacted.

2. Section 119 of *The Insurance Act* is repealed and the following substituted therefor:

Interpreta-  
tion.

119. In this Part, unless the context otherwise requires,—

"Adopted  
child."

1. "Adopted child" means a person who has been adopted by another person as his child and by reason thereof is entitled under the law of the place of adoption to inherit real property from that other person, if he dies intestate;

"Adopting  
parent."

2. "Adopting parent" means a person who has adopted another person as his child and by reason thereof is entitled under the law of the place of adoption to inherit real property from that other person, if he dies intestate;

"Bene-  
ficiary."

3. "Beneficiary" means a person designated or appointed as one to whom or for whose benefit insurance money is to be payable;

"Child" and  
"issue."

4. "Child" and "issue" include an adopted child;

"Contract,"  
"Contract of  
Insurance,"  
"Contract of  
Life  
Insurance."

5. "Contract," "contract of insurance" and "contract of life insurance" mean a contract of life insurance and include any other contract which an insurer may issue under the authority of a license to transact life insurance;



## EXPLANATORY NOTES

### GENERAL:

This Bill embodies only miscellaneous minor amendments to the Parts of *The Insurance Act* dealing with Life Insurance contracts (Part V) and Automobile Insurance contracts (Part VI), recommended for uniform enactment by the Interprovincial Insurance Conference, held at St. John, N.B., in September, 1934. The first twenty-nine sections of the Bill relate to LIFE INSURANCE; the remaining sections relate to AUTOMOBILE INSURANCE.

To-day, the Statutes of all provinces (except Quebec) are completely uniform in these two branches of insurance legislation. All the amendments proposed by this Bill are planned to be presented to the Legislatures of the eight provinces at the current sessions.

### LIFE INSURANCE (sections 2-29 inclusive):

The so-called UNIFORM LIFE INSURANCE ACT, numbering about fifty sections (Part V of *The Ontario Insurance Act*), has been in force in all provinces of Canada, except Quebec, since 1925 and in Newfoundland since 1932. Numerous desirable minor amendments have been proposed during the intervening ten years, but none have been passed in any province (with the single exception of one minor amendment adopted by all provinces in 1931), by reason of a tacit understanding between the provinces that uniformity should be maintained and amendments made only upon the recommendation of an Interprovincial Conference, submitted only after all interested parties had been consulted and had concurred. The Association of Superintendents of Insurance of the Provinces of Canada has had under consideration, at its annual Conferences for the past five years, numerous suggestions for amendment to the Uniform Act: the amendments contained in this Bill are those finally approved and now so recommended for enactment.

Reference to the last section of the Bill will indicate that it is not proposed to bring the amendments into force until a uniform date, to be agreed upon among the provinces.

### AUTOMOBILE INSURANCE (sections 30-36 inclusive):

See sections 30 *et seq* of this Bill and Explanatory Notes thereon.

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Section 2. Definitions contained in paragraphs 3, 6, 7, 8, 10, 11, 12, 14, 15, 17 and 18 are re-enacted without change.

Paragraphs 1, 2, 4 and 16 relate to adoption and are new. They should be read together and with sections 11 and 15 of this Bill. The present legislation does not include in the class of preferred beneficiaries, an "adopted child" or its "adopting parent." The four new definitions are to provide for their inclusion. In order to avoid all difficulties arising out of domicile or conflict of laws, the test taken is that the child shall be entitled to inherit real property from an intestate adopting parent. The title to real property is governed by the law of the place where the property is situate.

Paragraph 5. "Contract of Life Insurance." This definition is revised to correspond with the definition of "Life Insurance" contained in paragraph 36 of section 1 of the Act (enacted 1934, c. 22, s. 2) and with section 24b of the Act (enacted 1934, c. 22, s. 4), defining the scope of a life insurance license.

"Court."

6. "Court" means the Supreme Court or a judge thereof;

"Declaration."

7. "Declaration" means an instrument in writing signed by the insured, attached to or endorsed on a policy, or an instrument in writing, signed by the insured in any way identifying the policy or describing the subject of the declaration as the insurance or insurance fund or a part thereof or as the policy or policies of the insured or using language of like import, by which the insured designates or appoints a beneficiary or beneficiaries, or alters or revokes the designation or appointment of a beneficiary or beneficiaries, or apports or reapports, or appropriates or reapropriates, insurance money between or among beneficiaries;

"Foreign jurisdiction."

8. "Foreign jurisdiction" means any jurisdiction other than the Province;

"Fraternal society."

9. "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit contracts of life insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act;

"Instrument in writing."

10. "Instrument in writing" includes a last will;

"Insurance."

11. "Insurance" means life insurance;

"Insurance money."

12. "Insurance money" includes all insurance money, benefits, surplus, profits, dividends, bonuses and annuities payable by an insurer under a contract of insurance;

"Insured."

13. "Insured" means the person who makes a contract with an insurer and, if the context so requires, includes the person whose life is insured;

"Insurer."

14. "Insurer" includes any corporation, or any society or association, incorporated or unincorporated, any fraternal society or any person or partnership, or any underwriter or group of underwriters, that undertakes or effects, or

Paragraph 9, "Fraternal Society." The present definition merely authorizes appointment of benefits to beneficiaries, whereas benefits are frequently payable to the members themselves. The definition is otherwise, in substance, the same.

Paragraph 13, "Insured." The present definition provides that "unless the context otherwise requires" the insured "includes the person whose life is insured." The words "unless the context otherwise requires," are not clear in their application to the provisions of the legislation. The amendment says "if the context so requires," making the application more definite.

agrees or offers to undertake or effect, a contract of insurance;

"Judge."

15. "Judge" means a judge of the court;

"Parent,"  
"Father,"  
"Mother."

16. "Parent," "father" and "mother" include an adopting parent of the same sex respectively;

"Person."

17. "Person" includes firm, partnership, corporation and unincorporated society or association;

"Premium."

18. "Premium" means the single or periodical payment to be made for the insurance, and includes dues and assessments.

Rev. Stat.,  
c. 222, s. 120,  
subs. 2,  
re-enacted.

3. Subsection 2 of section 120 of *The Insurance Act* is repealed and the following substituted therefor:

(2) This Part shall apply to every contract of life insurance made in the Province before the date on which this Part came into force, where the maturity of the contract had not occurred before that date.

Rev. Stat.,  
c. 222, s. 123,  
subs. 1,  
amended.

4.—(1) Subsection 1 of section 123 of *The Insurance Act* is amended by striking out the words "other than a fraternal society" in the second line so that the said subsection shall now read as follows:

Contents  
of policy.

(1) Every policy issued after the coming into force of this Part by an insurer shall state the name or sufficient designation of the insured, of the person whose life is insured, and of the beneficiary, the insurance money payable, the manner of payment, the premium, and the facts which determine the maturity of the contract.

Rev. Stat.,  
c. 222, s. 123,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 123 is renumbered section 123*a* and is amended by striking out the words "is less than one thousand dollars" in the second line and inserting in lieu thereof the words "does not exceed two thousand dollars" so that the said subsection shall now read as follows:

Payment of  
policy not  
exceeding  
\$2,000.

(123*a*) Where the amount of insurance money, exclusive of dividends and bonus, does not exceed two thousand dollars, the policy, notwithstanding that it is expressed to be payable to a named or designated beneficiary, may provide that the insurance money may be paid to any relative by blood or connection by marriage of the insured or any other person appearing to the insurer to be equitably entitled to



Paragraph 16. See par. 1 *supra*.

Section 3. The present subsection says "unless hereinafter otherwise specifically provided," and uses the expression, "unmatured obligations of every contract." There is no such specific provision and the expression "unmatured obligations" is indefinite. The new subsection is designed to remove both difficulties.

Section 4 (1). Fraternal Societies are provided for in new subsection 5. See section 4 (3) below.

Section 4 (2). The present subsection is to be a separate provision as it is not in any way connected with section 123.

The amount under the present section is enlarged as it excludes the policy of \$1,000 which is very frequent. It is claimed that it would be very convenient to the public if the limit is increased to a sum not exceeding \$2,000.

the same by reason of having incurred expense for the maintenance, medical attendance or burial of the insured or to have a claim against the estate of the insured in relation thereto.

Rev. Stat.,  
c. 222, s. 123,  
amended.

(3) The said section 123 is amended by adding thereto the following subsections:

- (2) Every policy shall state the period of grace within which the premiums may be paid and the terms and conditions upon which the policy may, if it shall lapse, be reinstated, and shall indicate the amount (if any), of cash surrender, or loan value and the options (if any) of the insured as to paid up or extended insurance respectively provided by the policy.
- (3) Every policy shall further indicate whether or not it will participate in any surplus or profits which may be declared.
- (4) Every policy which includes disability insurance shall further state what notice of the disablement of the insured shall be given to the insurer.
- (5) This section shall not apply to a contract of insurance made by a fraternal society.

Rev. Stat.,  
c. 222, s. 124,  
subs. 3,  
re-enacted.

5. Subsection 3 of section 124 of *The Insurance Act* is repealed and the following substituted therefor:

Contract of  
fraternal  
society.

- (3) In the case of a contract of insurance made by a fraternal society, the policy, the Act or instrument of incorporation of the society, its constitution and laws and the amendments validly made thereto, and the application for the contract and medical examination of the applicant as signed by him shall constitute the contract between the society and its member.

Rev. Stat.,  
c. 222, ss. 125,  
126 and 127,  
re-enacted.

6. Sections 125, 126 and 127 of *The Insurance Act* are repealed and the following substituted therefor:

Disclosure  
and mis-  
representa-  
tion by  
insured.

- 125.—(1) The applicant for a contract and the person whose life is to be insured shall each disclose to the insurer in the application for the contract, on the medical examination (if any), or in any statements or answers furnished in lieu of a medical examination every fact within his knowledge which is material to the contract, and a failure to disclose or misrepresentation of any such fact by either person shall render the contract voidable at the instance of the insurer.

Section 4 (3). The new subsections (2) and (3) to be added to section 123, comprise the statutory conditions which must be contained in a policy and replace such provisions as were contained in section 91 of the former Dominion Insurance Act (Rev. Stat. c. 101).

Subsection (4) is new matter and is considered necessary as a statutory condition.

Subsection (5) should be read with section 4 (1) above. Section 123 is not applicable to fraternal societies which are specifically provided for in section 124 (3). See section 5 below.

Section 5. The only change of substance in this subsection is the insertion of the words "the policy" which were apparently inadvertently omitted in the present subsection.

Section 6. These sections have been redrawn and section 125 now refers to the applicant for insurance and 126 to the insurer. Present section 127 is replaced by section 125 (2).

In present section 125 (2) the words used are "conscious failure." The word "conscious" is omitted. Its meaning is indefinite and contains the idea that there must be a wilful failure to disclose a fact, a matter which it would be almost impossible for a company to prove. This word is also unnecessary because in the new section 125 (1) the words "within his knowledge" govern the fact undisclosed.

Disability Insurance and Double Indemnity Insurance are exempted from section 125. They were never expressly included and were never intended to be included.



Statements  
incontestable  
after two  
years.

- (2) The statements made by the insured, or the person whose life is insured, in the application, on the medical examination (if any), or in any statements or answers furnished in lieu of a medical examination other than fraudulent statements or statements erroneous as to age, shall be deemed to be true and incontestable after the contract has been in force for two years during the lifetime of the person whose life is insured, but this provision shall not apply with respect to disability insurance or double indemnity insurance.

Disclosure  
and mis-  
representa-  
tion by  
insurer.

126. A failure to disclose or misrepresentation of a fact material to the contract by the insurer shall render the contract voidable at the instance of the insured: provided that in the absence of fraud the contract shall not by reason of such failure to disclose or misrepresentation be voidable after the contract has been in force for two years during the lifetime of the person whose life is insured.

Materiality.

127. The question of materiality shall be one of fact.

Rev. Stat.,  
c. 222, s. 130,  
subs. 1,  
amended.

7. Subsection 1 of section 130 of *The Insurance Act* is amended by striking out the words "a contract providing for the payment of premiums weekly," in the fourth and fifth lines and inserting in lieu thereof the words "an industrial contract," so that the said subsection shall now read as follows:

Thirty days  
of grace for  
payment of  
premiums.

- 130.—(1) Where any premium (not being the initial premium), under any contract is unpaid, the insured, his assign or agent, or any beneficiary, may, within a period of grace of thirty days (or, in the case of an industrial contract, four weeks) from and excluding the day on which the premium is due, pay, deliver or tender to the insurer at its head office, or at its chief agency in the Province, or to its collector or authorized agent, the sum in default.

Rev. Stat.,  
c. 222,  
amended.

8. *The Insurance Act* is amended by adding thereto the following section:

Reinstatement  
of  
contract  
after lapse.

- 130a.—(1) Where a contract lapses and its cash value has not been paid and any options as to paid up or extended insurance have not been exercised, the insured shall be entitled to have the contract reinstated upon application within two years, or in the case of an industrial contract within one year, from the date of lapse upon the production of evidence of good health and other evidence of insurability of

Section 7. A new definition of "industrial contract" was enacted in 1934 (c. 22). See paragraph 29 of section 1 of the Act. The four weeks' case is now confined to industrial contracts which were in fact the only kind of contracts intended to be so dealt with.

Section 8. This section in general re-enacts what was also a statutory condition under section 91 of the former Dominion Insurance Act (Rev. Stat., c. 101). No particular comment is necessary on the subject-matter. Subsection (2) makes it clear that the provisions of section 125 are applicable to reinstatements where a contract has lapsed and subsection (3) makes it clear that policy conditions with respect to suicide are applicable to reinstated contracts. Fraternal societies are again exempted because reinstatement is in their case dealt with by by-laws or otherwise than by the contract itself.

the person whose life was insured satisfactory to the insurer as at the date of the application for reinstatement and upon payment of all overdue premiums and other indebtedness to the insurer under the contract, with interest at such rate not exceeding six per centum per annum compounded annually, as the contract provides, and provided that no change has taken place in such good health and insurability subsequently to the date of such application and before the contract is reinstated.

Application  
of section  
125.

- (2) Where an application is made to reinstate a contract and the contract is reinstated, section 125 shall *mutatis mutandis* apply, and the period of two years referred to in subsection 2 of that section shall run from the date of reinstatement.

Suicide.

- (3) If the contract which lapsed provided that in the event of the suicide of the person whose life was insured within a period of time fixed thereby it should be void or that the amount payable thereunder should be reduced, and after the contract is reinstated such person commits suicide within a period of time commencing with the date of reinstatement and of the same duration as the period of time fixed by the contract, the reinstated contract shall be likewise void, or the amount payable thereunder shall be likewise reduced.

Application  
to fraternal  
societies.

- (4) This section shall not apply to a contract of insurance made by a fraternal society.

Rev. Stat.,  
c. 222, s. 132,  
re-enacted.

9. Section 132 of *The Insurance Act* is repealed and the following substituted therefor:

Meaning of  
"heirs,"  
"legal heirs,"  
etc.

132. Where in a policy or declaration the insured appoints as beneficiaries or appoints or apportions insurance-money to his "heirs," "legal heirs," "lawful heirs" or "next-of-kin," the insurance money shall be paid to the persons and in the shares provided by the law of the Province, state or country, in which the insured was domiciled at the date of his death respecting the distribution of the personal property of an intestate.

Rev. Stat.,  
c. 222, s. 138,  
re-enacted.

10. Section 138 of *The Insurance Act* is repealed and the following substituted therefor:

Capacity of  
minors.

138. A minor shall, after attaining the age of fifteen years, have the capacity of a person of full age:

Section 9. Present section 132 is uncertain in its meaning, that is, whether it is intended to identify the persons entitled to share or to refer to the apportionment among them. The new section endeavours to make the meaning clear and state under what law and in what name distribution is to take place.

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Section 10. No real difficulty has arisen under present subsection (1) of section 138, but subsection (2) is open to doubt as to its real intent and meaning. When insurance has been taken out by a parent on the life of a child, and the parent is the sole owner, the question has arisen as to whether the child has any right or interest in the policy.

The new section, in addition to conferring full capacity on a minor of fifteen to effect insurance on his own life, empowers him to ratify, under clause (b) any contract made before he becomes fifteen, under clause (c) to deal with what interest he may have in a contract effected by another on his life, and under clause (d) to provide for the case of married minors, so that they may have the same rights to insure one another's lives as adults.



- (a) To effect a contract of insurance on his own life and to deal with such contract;
- (b) To deal with a contract of insurance on his own life effected by him before attaining the age of fifteen years;
- (c) To deal with his interest in a contract of insurance effected on his life by another, whether effected before or after the minor attained the age of fifteen years;
- (d) If married, to effect a contract of insurance on the life of his wife or her husband or his or her children, as the case may be, and to deal with such contract.

Rev. Stat., c. 222, s. 140, subs. 2, re-enacted. **11.** Subsection 2 of section 140 of *The Insurance Act* is repealed and the following substituted therefor:

Preferred beneficiaries.

- (2) Subject to section 147a, preferred beneficiaries are the husband, wife, children, adopted children, grandchildren, children of adopted children, father, mother and adopting parents of the person whose life is insured.

Rev. Stat., c. 222, s. 142, subs. 2, re-enacted. **12.** Subsection 2 of section 142 of *The Insurance Act* is repealed and the following substituted therefor:

Declaration by will.

- (2) A declaration contained in a will shall as against a subsequent declaration be deemed to have been made at the date of the will and not as if it had been made immediately before the death of the testator.

Other declarations.

- (3) A declaration contained in an instrument purporting to be a will which has not been revoked otherwise than by operation of law shall be effective as a declaration, notwithstanding that the instrument is invalid as a testamentary instrument.

Rev. Stat., c. 222, s. 144, re-enacted. **13.** Section 144 of *The Insurance Act* is repealed and the following substituted therefor:

Death of ordinary beneficiary before maturity of contract.

- 144. Where there are several beneficiaries of whom one or more are ordinary beneficiaries and one or more of the ordinary beneficiaries die before the maturity of the contract, and no apportionment or other disposition of his or their shares is provided for in the contract or by a declaration, the share of any such deceased ordinary beneficiary, shall be payable to the

Section 11. The revised subsection includes in the class of preferred beneficiaries adopted children, adopting parents and children of adopted children. See sections 1 and 16 of this Bill.

Section 12. Present subsection (2) of section 142 is divided into two new subsections.

New subsection (2) is to be same effect as the present provision, except that it uses the words "and not as if it had been made immediately before the death" instead of "and not at the death." The new wording is the phraseology found in Wills Acts.

Present subsection (2) refers to "a declaration contained in an unrevoked instrument." The word "unrevoked" has given rise to difficulties and does not cover the case of revocation by operation of law. The new subsection (3) is designed to remove the difficulties.

Section 13. Present section 144 deals with the case where ordinary beneficiaries only are appointed. Section 148 deals with the case where there are preferred beneficiaries only. The new section provides for the case not only where there are ordinary beneficiaries, but also where both classes are appointed.

surviving designated beneficiary or beneficiaries, whether preferred or ordinary, and, if more than one, in equal shares but, if there is no surviving beneficiary, shall be payable to the insured or his estate.

Rev. Stat.,  
c. 222, s. 145,  
subs. 1,  
amended.

**14.**—(1) Subsection 1 of section 145 of *The Insurance Act* is amended by striking out the words “so long as any of the class of preferred beneficiaries remains” in the fifth and sixth lines so that the said subsection shall now read as follows:

Trust in  
favour of  
preferred  
beneficiaries.

**145.**—(1) Where the insured, in pursuance of the provisions of section 142, designates as beneficiary or beneficiaries, a member or members of the class of preferred beneficiaries, a trust is created in favour of the designated beneficiary or beneficiaries, and, the insurance money, or such part thereof as is or has been apportioned to a preferred beneficiary, shall not, except as otherwise provided in this Act, be subject to the control of the insured, or of his creditors, or form part of the estate of the insured.

Rev. Stat.,  
c. 222, s. 145,  
subss. 2 and 3,  
re-enacted.

(2) Subsections 2 and 3 of the said section 145 are repealed and the following substituted therefor:

Right to  
income only.

(2) The contract may provide or the insured may at any time direct by declaration that a preferred beneficiary shall be entitled only to the income from insurance money for life or for a period of time or subject to any limitation or contingency stated in the instrument.

Proviso:  
Vested rights  
of benefi-  
ciaries for  
value, etc.

(3) The provisions of this section are subject to any vested rights of beneficiaries for value and assignees for value, to the provisions hereinafter contained relating to preferred beneficiaries, and to any contingency or limitation stated in the instrument by which the insured designates a preferred beneficiary, provided that no provision in any instrument reserving to the insured the right to revoke or abridge the interest of a preferred beneficiary shall be effective so as to enable the insured to revoke or abridge that interest in favour of a person not in the class of preferred beneficiaries.

Rev. Stat.,  
c. 222, s. 147,  
subs. 1,  
amended.

**15.** Subsection 1 of section 147 of *The Insurance Act* is amended by striking out the words “the next following section” in the first and second lines and inserting in lieu thereof the words “section 148” so that the said subsection shall now read as follows:



Section 14 (1). The words "so long as any of the class of preferred beneficiaries remains" are struck out because they make the sense of the subsection difficult. It might be inferred that where, for example, a preferred beneficiary has been appointed and dies the insurance-money cannot be dealt with, except in favour of another preferred beneficiary. It is conceded that such is not the intent of the provision.

The subsection now will create a trust in favour of a designated beneficiary and be outside the control of the insured or his creditors until some event arises under which it becomes free in pursuance of some other provision of the legislation.

Section 14 (2). Present subsections (2) and (3) are to be reversed in order. The first part of present subsection (3) is repealed and dealt with under section 148, as redrawn and the remainder redrawn in new subsection (2).

Both subsections (1) and (2) are made subject to new subsection (3), the only change in which is the omission of the word "first" before the word "designates."

Section 15. This minor amendment results directly from adding new section 147*a*.

Meaning of  
"wife" and  
"children."

147.—(1) Subject to the provisions of section 148 where by the policy or by a subsequent declaration the insurance money or any part of it is made payable to or for the benefit of the wife of the person whose life is insured, his future wife, his wife and children or his future wife and children generally, or his children generally, the word "wife" means the wife living at the maturity of the contract, and the word "children" includes all the children of the person whose life is insured living at the maturity of the contract as well as the issue living at the maturity of the contract of any child of his who predeceases him, such issue taking by representation.

Rev. Stat.,  
c. 222  
amended.

**16.** *The Insurance Act* is amended by adding thereto the following section:

Adoption.

147a. For the purposes of this Part an adopted child and its adopting parent shall from the date of the adoption be deemed to bear towards one another the relationship of preferred beneficiaries, and an adopted child and its natural parents shall from the date of the adoption be deemed to bear towards one another the relationship of ordinary beneficiaries, and in either case this provision shall apply in respect of insurance effected both before and after the date of adoption.

Rev. Stat.,  
c. 222, s. 148,  
subs. 1,  
re-enacted.

**17**—(1) Subsection 1 of section 148 of *The Insurance Act* is repealed and the following substituted therefor:

Right of  
insured to  
designate  
alternate  
beneficiary.

148.—(1) Subject to subsection 2 the contract may provide or the insured may at any time direct by declaration that if a preferred beneficiary shall die before the maturity of the contract, the insurance money or any part thereof appointed to the preferred beneficiary shall be payable to the insured, to his estate, or to any other person, whether that person is within the class of preferred beneficiaries or not.

Death of  
preferred  
beneficiary  
before  
maturity of  
contract:  
where  
alternative  
preferred  
beneficiary  
named.

(2) Where the contract provides or the insured by a declaration directs that insurance money shall go to a preferred beneficiary and in the event of the death of the preferred beneficiary to some other person in the class of preferred beneficiaries, and the first-named beneficiary dies, the insured may before the maturity of the contract exercise only the powers referred to in section 146.

Idem: Where  
no alter-  
native  
preferred  
beneficiary  
named.

(3) In case of the death of a preferred beneficiary before the maturity of the contract and in the absence of

Section 16. This is a new provision defining the status of an "adopted child" and an "adopting parent" as preferred or ordinary beneficiaries. As a general working principle it is provided that after the adoption the adopted child and adopting parent shall be as towards one another preferred beneficiaries, while the adopted child and its natural parent will become ordinary beneficiaries as towards one another.

Section 17 (1). Existing subsection (1) of section 148 is repealed and three new subsections substituted, which include also the first part of old section 145 (3). Three cases are provided for:

- (a) Where the contract provides or the insured directs that in the case of the death of a preferred beneficiary before maturity of the contract the insurance money shall be payable to the insured or to some other person:
- (b) Where under the contract or a declaration the insurance-money is after the death of a preferred beneficiary to go to another preferred beneficiary and the first beneficiary dies the insured may before the maturity of the contract deal with the insurance money as he likes within the preferred class:
- (c) Where a preferred beneficiary dies before the maturity of the contract and there is no appointment to any other preferred beneficiary.

any provision in the contract or a declaration by which some other person in the class of preferred beneficiaries is to become entitled to the insurance money or any part thereof appointed to the deceased beneficiary in the event of his death or upon the happening of any other event, the insured may deal under section 142 with the insurance money or part thereof in the same manner and to the same extent as if the deceased beneficiary had not been a preferred beneficiary.

Rev. Stat.,  
c. 222, s. 148,  
subs. 2,  
renumbered  
subs. 4 and  
amended.

(2) Subsection 2 of the said section 148 is renumbered subsection 4 and is amended by striking out the words "Subject to subsection 1 and to any provision in the policy or a declaration" at the commencement and inserting in lieu thereof the words "Subject to the provisions of this section" and is further amended by adding at the end of clause (a) the words "such issue taking by representation" so that the said subsection shall now read as follows:—

Disposal of  
share of  
deceased  
preferred  
beneficiary.

(4) Subject to the provisions of this section, the share of a preferred beneficiary who dies before the maturity of the contract shall be payable as follows:—

(a) If the deceased beneficiary was a child of the person whose life is insured, and has left issue surviving at the maturity of the contract, his share, and any share to which he would have been entitled if he had survived, shall be payable to such issue in equal shares, such issue taking by representation.

(b) If there is no person entitled under clause *a*, the share of such deceased beneficiary shall be payable to the surviving designated preferred beneficiary or beneficiaries in equal shares.

(c) If there is no person entitled under clauses *a* and *b*, the share of such deceased beneficiary shall be payable in equal shares to the wife or husband and the child or children of the person whose life is insured living at the maturity of the contract, and the issue then living of any deceased child of the person whose life is insured, such issue taking in equal shares the share to which his or their parent would have been entitled if living.



Section 17 (2). Subsection (2) of section 148 is amended in conformity with the foregoing amendments and also to make clear in clause *a* that the issue is to take by representation, as provided by section 147 (1).

- (d) If there is no person entitled under clauses *a*, *b* and *c*, the share of such deceased beneficiary shall be payable to the insured, or his estate.

Rev. Stat., c. 222, s. 152, re-enacted. **18.** Section 152 of *The Insurance Act* is repealed and the following substituted therefor:

Disposal of surplus or profits where preferred beneficiary.

152.—(1) Notwithstanding the designation of a preferred beneficiary, any person who effects a participating contract may, during his lifetime receive for his own benefit the surplus or profits declared on the contract or may direct the insurer to apply them in payment or reduction of premiums, or in the purchase of paid up additions to the sum insured, or to hold them to his credit for accumulation, or to deal otherwise with such surplus or profits as the contract may provide. Upon the maturity of the contract all surplus or profits so held to the credit of the insured, or being due and unpaid, shall, subject to the contract and to any direction by the insured to the contrary, be added to the insurance money and the share of any beneficiary shall be increased accordingly.

Insurer may apply surplus to keep contract in force.

(2) The insurer may apply for the purpose of keeping the contract in force any surplus or profits declared on the contract and held by the insurer to the credit of the contract or of the insured, or held for accumulation, and not otherwise applied or dealt with under subsection 1.

Obligation of insurer.

(3) The insurer shall not be obliged to pay or apply any surplus or profits in a manner contrary to the terms of the contract or of any subsequent agreement.

Rev. Stat., c. 222, s. 153, amended.

**19.** Section 153 of *The Insurance Act* is amended by adding thereto the following subsections:

Where payable to minor, lunatic, etc., Court may make order.

(3) Where insurance money is made payable to a minor or other person under disability or to a trustee on behalf of a minor or person under disability, and where the insurance money or a part thereof is required for the maintenance or education of the minor or person under disability, the Court may, upon the application of the insured, upon at least ten days' notice to the insurer, make an order, on such terms as it may deem just, permitting the insured to surrender the contract to the insurer, or to borrow from the insurer on the security thereof and payment

Section 18. Section 152 has been redrawn and expanded in accordance with the present practice of the companies. Subsection (2) gives insurers the authority to apply surplus or profits to keep the insurance in force where not otherwise applied or dealt with under subsection (1).

Section 19. New provisions are here recommended to take care of cases which have arisen and which it seems only right should be provided for. New subsection (3) is self-explanatory. New subsection (4) makes it clear that the rights of the beneficiary are not abrogated by a charge created against a policy and that when the charge is satisfied the assignee of the policy must clear the title to the policy.



by the insurer in accordance with such order shall discharge it from liability in respect of such payment.

Where contract has been assigned.

- (4) Where a contract has been assigned as security for any loan or debt the rights of any beneficiary, whether ordinary or preferred, under such contract shall be affected only to the extent necessary to give effect to the rights of the assignee, and when the loan or debt is discharged the assignee shall furnish a certificate in writing to that effect and that the assignee has no further right, title or interest in the contract.

Rev. Stat., c. 222, s. 154, amended.

**20.** Section 154 of *The Insurance Act* is amended by inserting after the word "contract" in the first line the words "or any instrument in writing" so that the section shall now read as follows:

Consent of contingent beneficiary not necessary.

154. Where by a contract or any instrument in writing a person is to become entitled to insurance money only in the event of the death of another person named as a beneficiary it shall not be necessary for such first mentioned person to join in any surrender, assignment or disposal of the contract.

Rev. Stat., c. 222, s. 155, subs. 1, amended.

**21.** Subsection 1 of section 155 of *The Insurance Act* is amended by striking out the words "a subsequent" in the second line and inserting in lieu thereof the word "an" so that the subsection shall now read as follows:

Dealing with insurance money payable in instalments.

- 155.—(1) Where the insurance money is payable in instalments and the contract, or an instrument in writing signed by the insured and delivered to the insurer, expressly provides that the beneficiary shall not have the right to commute the instalments or to alienate or assign his interest therein, the insurer shall not commute the instalments or pay them to any person other than the beneficiary, and the instalments shall not, in the hands of the insurer, be subject to legal process except in an action to recover for necessities supplied to the beneficiary or his or her infant children.

Rev. Stat., c. 222, s. 156, re-enacted.

**22.** Section 156 of *The Insurance Act* is repealed and the following substituted therefor:

Insurer holding insurance money after maturity of contract.

- 156.—(1) Subject to the provisions of this Part relating to preferred beneficiaries, where it is so expressly provided in the contract or by an agreement in writing with the insurer or by a declaration, the

Section 20. The words added here are to provide for the case of a declaration.

Section 21. The word "subsequent" is struck out because the instrument might be a will made previously to the contract or there might be an instrument made simultaneously with the contract.

Section 22. Subsection (1) is a substantial re-enactment of the present section with the word "subsequent" struck out for the reason indicated in connection with section 21 (above), with provision made for interest where no rate is agreed upon, and with a new self-explanatory proviso at the end.

New subsection (2) is intended to provide for the cases where insurance-money is settled (for example) on a trust or for a succession of beneficiaries and left in the hands of an insurance company. Doubts have arisen as to whether some of these arrangements are not testamentary in character and as such invalid, unless they comply with the formalities prescribed for Wills. The new subsection provides that any such arrangements, etc., shall be valid, although not executed in compliance with a Wills Act.

insurer may hold the insurance money or any part thereof after maturity of the contract subject to the order of the beneficiary, or upon such trusts or other agreements for the benefit of the beneficiary as may be provided in the contract, agreement or declaration, allowing and paying for the term during which the insurer retains such insurance money or any part thereof, interest thereon at a rate not less than that specified in the contract, agreement or declaration, or, if no rate be agreed upon, at the rate declared from time to time by the insurer in respect to insurance money so held by it; provided that the insurer shall not be bound to carry out the terms of any declaration to which it has not agreed in writing.

Validity of  
testa-  
mentary  
provisions.

- (2) Where under subsection 1 a contract, agreement, order, declaration or trust provides that a certain payment or disposition of the insurance money shall be made after the death of any party to the contract or agreement or of any person named therein or in the order or declaration or of a beneficiary under the trust, as the case may be, such provision shall, if testamentary, not be invalid by reason only that the requirements respecting the execution of a will have not been complied with.

Rev. Stat.,  
c. 222, s. 158,  
subs. 2,  
re-enacted.

**23.** Subsection 2 of section 158 of *The Insurance Act* is repealed and the following substituted therefor:

Proof of  
name and  
age of  
beneficiary.

- (2) Where the insurance money or part thereof is payable to or for the benefit of a beneficiary, the insurer shall be entitled to reasonably sufficient proof of the name and age of the beneficiary.

Rev. Stat.,  
c. 222, s. 159,  
subs. 2,  
re-enacted.

**24.** Subsection 2 of section 159 of *The Insurance Act* is repealed and the following substituted therefor:

Where  
payable.

- (2) Insurance money shall be payable in the province in which the insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death; or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head office of the insurer in Canada.

How  
payable.

- (3) Every amount to be paid to or by an insurer under a contract shall be payable in lawful money of Canada, unless the contract expressly provides for payment in another currency.

Section 23. Present subsection (2) begs the question as to whether a beneficiary is a minor or not. That is the fact which may have to be established, and the subsection is redrawn so that an insurer may always ask for proof of the name and age of a beneficiary.

Section 24. Existing subsection (2) merely provides that insurance-money shall be payable in the province in lawful money of Canada. It is proposed to be divided into three subsections.

New subsection (2) makes clear what province is intended and also provides that if the insured's domicile is not in Canada and the contract does not otherwise provide, the money shall be payable at the head office of the company.

New subsection (3) now provides for payment in other than Canadian currency, where the contract so provides.

New subsection (4) provides that the expression "dollars" in a contract shall mean Canadian "dollars" unless another currency is specified. This takes care of the difficulty which arose in the Nova Scotia case of *Schon vs. New York Life Insurance Company* (1921-2) N.S.R. Vol. IV, p. 137), and an almost similar situation in the Ontario case of *Weiss vs. State Life Insurance Company* (1934), O.R. 677.



Meaning of  
"Dollars."

- (4) In every contract, whether the contract by its terms provides for payment in Canada or elsewhere, amounts expressed in dollars shall mean lawful dollars of Canadian currency, unless some other currency is specifically provided for in the contract.

Rev. Stat.,  
c. 222,  
amended.

**25.** *The Insurance Act* is amended by adding thereto the following section:

Payments  
outside of  
Canada.

- 159a. Where insurance money is payable in respect of a policy on the life of a person who is at the date of his death domiciled elsewhere than in Canada to another person domiciled elsewhere than in Canada, and there is no person in Canada entitled to receive it, the insurer may pay it to the person to whom it is so payable, or to any other person entitled to receive it on his behalf by the law of the domicile of the payee.

Rev. Stat.,  
c. 222, s. 160,  
subss. 1, 2  
and 3  
re-enacted.

**26.** Subsections 1, 2 and 3 of section 160 of *The Insurance Act* are repealed and the following substituted therefor:

Application  
to Court for  
declaration  
as to  
sufficiency  
of proofs.

- 160.—(1) Where the insurer admits the validity of the contract but does not admit the sufficiency of the proof furnished by the claimant of the maturity of the contract, or of the age of the person whose life is insured, or of the right of the claimant to receive payment of the insurance money, and where there is no other question in issue, except a question under subsection 2, the insurer or the claimant may, before or after action brought, upon at least thirty days' notice apply to the Court for a declaration as to the sufficiency of the proof furnished, and the Court may direct what further proof shall be furnished, or, in special circumstances, may dispense with further proof.

Declaration  
as to  
presumption  
of death.

- (2) Where the claimant alleges that the person whose life is insured is presumed to be dead by reason of his not having been heard of for seven years, and where there is no other question in issue except a question under subsection 1, the insurer or the claimant may, before or after action brought, upon at least thirty days' notice, apply to the Court for a declaration as to the presumption of death.

Effect of  
order of  
Court.

- (3) If the Court finds that the proof of the maturity of the contract or of the age of the person whose life is insured or of the right of the claimant to receive payment is sufficient, or that a presumption of death

Section 25. This new section is designed to take care of the case where the policyholder does not live in Canada and has no need to take out administration in Canada. Many contracts are made by Canadian companies in the United States and elsewhere and Canadian policyholders often move to foreign parts. This section facilitates payment in such cases. This will not disturb Succession Duties.

Section 26. Subsection (1) of section 160 is amended in three respects:

- (a) By the insertion of the words "admits the validity of the contract";
- (b) By extending the time from ten days to thirty days; and
- (c) By giving the court a more general power as to further proof.

As to the first point it is thought that the general question of the validity of the contract should not be raised under this section.

Subsection (2) is amended so that in addition to the insurer the claimant may apply for a declaration as to presumption of death and the time is again extended to thirty days' notice. The insurer may not be interested or may be opposed to applying for a declaration as to presumption of death, while the claimant now has no right to apply.

Subsection (3) is amended by changing the words "parties to the application" to the words "applicant and all parties notified of the application." It rests with the court to require proper notice to be given.

has been established, or makes an order directing what further proof shall be furnished or in special circumstances dispensing with further proof, the finding or order of the Court shall, subject to appeal, be conclusive and binding upon the applicant and all parties notified of the application and the Court may make such order as to the payment of the insurance money and as to the costs as to it may seem just.

Rev. Stat.,  
c. 222, s. 162,  
subs. 3,  
amended.

**27.**—(1) Subsection 3 of section 162 of *The Insurance Act* is amended by adding at the end thereof the words “whichever period shall first expire, but not afterwards” so that the said subsection shall now read as follows:

- (3) Where the death of the person whose life is insured is unknown to the person entitled to claim under the contract, an action or proceeding may be commenced within the prescribed period or within one year and six months after the death becomes known to him whichever period shall first expire but not afterwards.

Rev. Stat.,  
c. 222, s. 162,  
subs. 4,  
amended.

(2) Subsection 4 of the said section 162 is amended by striking out the words “within the prescribed period or” in the third line so that the said subsection shall now read as follows:

- (4) Where an action or proceeding is prematurely brought, the plaintiff may commence a new action or proceeding at any time within six months after the final determination of the first action or proceeding.

Rev. Stat.,  
c. 222, s. 164,  
subs. 1,  
re-enacted.

**28.** Subsection 1 of section 164 of *The Insurance Act* is repealed and the following substituted therefor:

Payment of  
share of  
minor,  
lunatic, etc.

- (1) Where no trustee is appointed to receive the share to which a minor or other person under disability is entitled, or where a trustee is named but refuses or neglects to act or dies or otherwise becomes incapable of acting, the share of the minor or other person under disability may be paid to a guardian or tutor or trustee of the minor or to a curator, committee or trustee of such other person under disability duly appointed by the Court.

Rev. Stat.,  
c. 222, s. 165,  
subs. 1,  
re-enacted.

**29.** Subsection 1 of section 165 of *The Insurance Act* is repealed and the following substituted therefor:

Insurer may  
obtain order  
for payment  
into Court.

- (1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that,—



Section 27.—(1). The added words are proposed to make the intention clear and remove the existing ambiguity.

Section 27.—(2). It is considered that six months is a reasonable time under the circumstances described.

Section 28. The only material change is to take care of the case where the trustee dies or otherwise becomes incapable of acting as trustee.

Section 29. The only substantial change is the addition of the last two lines. Obviously the present subsection is incomplete. This amendment arises out of a criticism of the present subsection in *Re Great West Life vs. Appleby*, 1934, 1 W.W.R. 13.

- (a) there are adverse claimants; or,
- (b) the place of abode of a person entitled is unknown; or,
- (c) there is no person capable of giving or authorized to give, a valid discharge;

the insurer may, at any time after the expiration of one month from the maturity of the contract, apply to the Court for an order for payment of the money into Court, and the Court may upon such notice (if any) as it thinks necessary make an order accordingly.

#### AUTOMOBILE INSURANCE

Rev. Stat.,  
c. 222, s. 174  
(1932,  
c. 25, s. 2),  
amended.

**30.**—(1) Section 174 of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by striking out the first twelve lines and inserting in lieu thereof the following:

Statutory  
conditions.

**174.**—(1) Subject to the provisions of subsections 2 and 3 and sections 175 and 183j,—

- (a) the conditions set forth in this section shall be statutory conditions and deemed to be part of every contract of automobile insurance and shall be printed on every policy with the heading "Statutory Conditions";
  - (b) no variation or omission of a statutory condition shall be valid nor shall anything contained in any addition to a statutory condition or in the description of the subject matter of the insurance be effective in so far as it is inconsistent with, varies or avoids any such condition.
- (2) Where the automobile insurance is neither insurance under a motor vehicle liability policy nor insurance against loss of or damage to an automobile designated in the policy, the Superintendent may prescribe appropriate conditions or may omit, vary or add to the statutory conditions.
- (3) The Superintendent may approve a form of motor vehicle liability policy appropriate to insure a limited or restricted use of the automobile and in that case

AUTOMOBILE INSURANCE (Sections 30-36 inclusive):

The so-called UNIFORM AUTOMOBILE INSURANCE ACT numbering about thirty sections and the Statutory Conditions (Part VI of *The Ontario Insurance Act*) underwent a general revision in 1932 and, as so revised, is now in force in all provinces of Canada except Quebec. At St. John, N.B., conference last September the minor amendments contained in this Bill were unanimously recommended for enactment by all provinces.

See Section 37. The amendments are planned to be made effective in all provinces upon a date to be subsequently agreed upon.

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Section 30.—(1). Subsection 1 of section 174 is re-enacted without change. Subsection 2 is intended to enable the Superintendent to approve special forms of policy, such as garage and sales agency and non-ownership liability contracts. See explanatory note on section 32 with further reference to non-ownership liability contracts. Subsection 3 will enable the Superintendent to approve a form of policy necessary to insure a limited or restricted use of the automobile, e.g., where the company declines to issue the policy unless the reckless son is prohibited from driving, or where a reduced premium rate is available in consideration of acquiescence by the insured in some restricted use, for example, where a farmer agrees that his truck will be chiefly used about his farm. Rights of third parties are in no way prejudiced by such restrictions.

the statutory conditions shall be deemed to be amended so far as is necessary to give effect to the terms and conditions of the policy so approved and the provisions of sections 183*a* and 183*b* shall not apply.

Rev. Stat.,  
c. 222, s. 174,  
condition 2  
(1932,  
c. 25, s. 2),  
re-enacted.

(2) Condition 2 of the said section 174 is repealed and the following substituted therefor:

**Prohibited Use  
by Insured**

2.—(1) The insured shall not use or drive the automobile:

- (a) whilst under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or
- (b) whilst he is not for the time being qualified and authorized by law to drive or operate the automobile or, in case the law does not prescribe any qualification or authority whilst under the age of sixteen years; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

**Prohibited Use  
by Others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile:

- (a) by any person under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or
- (b) by any person who is not for the time being qualified and authorized by law to drive or operate the automobile or, in case the law does not prescribe any qualification or authority by any person under the age of sixteen years; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

Rev. Stat.,  
c. 222, s. 174,  
condition 5  
(1932,  
c. 25, s. 2),  
amended.

(3) Condition 5 of the said section 174 is amended by adding thereto the following subsection:

**Repairs**

(3*a*) Except where an appraisal has been had, the insurer, instead of making payment may, within a reasonable time, repair, rebuild or replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within seven days after the receipt of the proofs of loss; but there can be no abandonment of the automobile to the insurer without its consent. In the event of the insurer exercising such option, the salvage, if any, shall revert to it.

Rev. Stat.,  
c. 222, s. 174,  
condition 11  
(1932,  
c. 25, s. 2),  
amended.

(4) Condition 11 of the said section 174 is amended by adding thereto the following subsection:

(3) In this condition the expression "paid premium" means premium actually paid by the insured to the insurer or its agent, and does not include any premium or part thereof paid to the insurer by an agent unless actually paid to the agent by the insured.

Section 30—(2). The revision of Condition 2 is imperative in view of the decision of the Supreme Court of Canada in *Home Insurance Company of New York et al, vs. Lindal and Beatty* (1934) S.C.R., p. 33, wherein it was held the present wording yields the absurd result that the prohibition against driving whilst intoxicated applies to persons driving with the consent of the insured but not to the insured himself.

Section 30—(3). The proposed subsection of Condition 5 was formerly contained in all policies. It was omitted from the Uniform Act of three years ago (1932, c. 25) and is now recommended to be restored.

Section 30—(4). As Condition 11 now reads it is suggested that in order to effect cancellation, the insurer must refund the excess of "paid premium" even where payment has not been made by the insured but only by the agent to the company and only credited by the insurer to the agent as "paid."



Rev. Stat.,  
c. 222, s. 181  
(1932,  
c. 25, s. 2),  
re-enacted.

**31.** Section 181 of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is repealed and the following substituted therefor:

Subroga-  
tion.

181.—(1) The insurer, upon making any payment or assuming liability therefor under a contract of automobile insurance, shall be subrogated to all rights of recovery of the insured against any person and may bring action in the name of the insured to enforce such rights.

(2) If the net amount recovered, after deducting the costs of such recovery is not sufficient to provide a complete indemnity for the loss or damage suffered, such amount shall be divided between the insurer and the insured in the proportions in which such loss or damage has been borne by them respectively.

Rev. Stat.,  
c. 222,  
s. 183*a*,  
subs. 1  
(1932,  
c. 25, s. 2),  
amended.

**32.** Subsection 1 of section 183*a* of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by striking out the words "or is responsible for the use of" in the third line so that the subsection shall now read as follows:

Coverage  
of owner's  
policy.

183*a*.—(1) Every owner's policy shall insure the person named therein, and every other person who, with his consent, uses any automobile designated in the policy, against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage,—

(*a*) arising from the ownership, use or operation of any such automobile within Canada or the United States of America, or upon a vessel plying between ports within those countries; and

(*b*) resulting from

(i) bodily injury to or death of any person; or

(ii) damage to property; or,

(iii) both.

Rev. Stat.,  
c. 222,  
s. 183*d*,  
cl. (*b*), (1932,  
c. 25, s. 2),  
amended.

**33.** Clause *b* of section 183*d* of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by striking out the words "any person insured by the policy, or the children, wife or husband of any such person" in the second and third lines and inserting in lieu

Section 31. The present section is deemed unsatisfactory because it does not define how, in case of a partial recovery, the moneys recovered shall be distributed. The proposed new section removes doubts and uncertainties and makes provision for fair distribution between the insurer and insured.

Section 32. Under this section it has been contended that the employer of an insured owner-employee is entitled to indemnity under the latter's policy although the employer is not named therein, has paid no premium, and was not intended to be covered. On the other hand, if this contention is correct, the employer is probably liable under section 183*h*, subsection 6, to reimburse the insurer for any breach of the policy conditions by the owner-employee. In any event the effect of the amendment will be to deprive the employer of indemnity (for which he has not paid) on the one hand, and to relieve him of liability to reimburse the insurer, on the other. An employer can protect himself by a non-ownership liability policy under the proposed new subsection 2 of section 174.

Section 33. The amendment is intended to strike at collusive claims and thereby keep down the cost of insurance. Since 1930, when the insurer was made absolutely liable to third party claimants under all circumstances, there has been a great increase in the number and amount of claims made by relatives which appear to be collusive in character.



thereof the words "the insured or the son, daughter, wife, husband, mother, father, brother or sister of the insured" so that the clause shall now read as follows:

- (b) for loss or damage resulting from bodily injury to or the death of the insured or the son, daughter, wife, husband, mother, father, brother or sister of the insured; or

Rev. Stat.,  
c. 222,  
s. 183e (1932,  
c. 25, s. 2),  
amended.

**34.** Section 183e of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by striking out the word "for" where it precedes the words "bodily injury" in the third and sixth lines and inserting in lieu thereof the words "against loss or damage resulting from" so that the said section shall now read as follows:

Minimum  
liability  
under policy.

183e. Every owner's policy and driver's policy shall insure, in case of bodily injury or death, to the limit of at least \$5,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person, and, subject to such limit, for any one person so injured or killed, of at least \$10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, or, in case of property damage, to the limit of at least \$1,000 (exclusive of interest and costs) for damage to property resulting from any one accident.

Rev. Stat.,  
c. 222,  
s. 183f  
(1932,  
c. 25, s. 2),  
amended.

**35.** Section 183f of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by inserting after the word "in" in the third line the words "whole or in part in any or all of" and by striking out the words "and in statutory condition 3" in the last line of clause *a* so that the said section shall now read as follows:

Extended  
coverage.

183f. The insurer may, by an endorsement on the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in any or all of the following respects:

- (a) in the case of an owner's policy or a driver's policy, the matters mentioned in paragraphs *d*, *e* and *f* of section 183d; and
- (b) in the case of an owner's policy, the operation or use of automobiles not owned by nor registered in the name of the insured; and
- (c) in the case of an owner's policy or a driver's policy, such other matters as may be approved by the Superintendent.

Section 34. In view of the decision of the Ontario Court of Appeal in Kelly et al vs. Constitutional Indemnity Company (1933, 3 D.L.R. 50) it seems desirable to use in section 183~~e~~ the same broader wording employed in section 183~~a~~.

Section 35. Doubts having arisen, e.g., as to the validity of an endorsement permitting not more than three passengers to be carried by commercial vehicles, it is desirable to make it clear that limited extensions of coverage may be granted. The reference to statutory condition 3 in clause *a* is unnecessary in view of the wording of condition 3. (See proposed amendment to section 183~~h~~.)

Rev. Stat.,  
c. 222,  
s. 183*h*,  
subs. 5  
(1932,  
c. 25, s. 2),  
amended.

**36.**—(1) Subsection 5 of section 183*h* of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by inserting the words “coverage or extended” after the word “excess” in the fourth line so that the said subsection shall now read as follows:

Defence  
where excess  
or extended  
coverage.

- (5) Where a policy provides for coverage in excess of the limits mentioned in section 183*e* or for extended coverage in pursuance of section 183*f* nothing in this section shall, with respect to such excess coverage or extended coverage, prevent the insurer from availing itself, as against any claimant, of any defence which the insurer is entitled to set up against the insured.

Rev. Stat.,  
c. 222,  
s. 183*h*  
(1932,  
c. 25, s. 2),  
amended.

(2) The said section 183*h* is further amended by adding thereto the following subsection:

Insurer may  
be made  
third party.

- (7) Where an insurer denies liability under a motor vehicle liability policy it shall have the right upon application to the court to be made a third party in any action to which the insured is a party and in which a claim is made by any party to the action for which it is or might be asserted indemnity is provided by the said policy.

Commence-  
ment of Act.

**37.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Section 36—(1). It was intended that the insurer should only be absolutely liable and debarred of all defences in respect of the standard coverage and that where coverage is extended by endorsement, e.g., to gratuitous passengers or to employees, the insurer should be entitled to its defences in respect of such extended coverage. On the other hand, it was intended that where coverage is extended under statutory condition 3, e.g., permission to attach a trailer, third party claimants should be as fully protected as though the coverage had not been extended. The amendment is necessary to remove doubts and make clear this intention. (See proposed amendment to section 183*f*, clause *a*.)

Section 36—(2). Where an action has been brought by a claimant against the insured and the insurer believes that there has been a breach of conditions by the insured or collusion between the claimant and the insured, it is desirable that the insurer shall have the right to appear in the action and see that the facts are fully and properly presented to the court. The insurer is, by the Act, absolutely liable to the claimant and, therefore, has a definite interest in the result of the litigation.

Section 37. It is planned for the life insurance amendments (sections 2-29) and the automobile insurance amendments (sections 30-36) respectively, if approved, to become effective in all provinces on the same dates to be hereafter agreed upon. Section 5 of *The Statutes Act* (Rev. Stat., c. 2) authorizes any section or sections of an Act to be proclaimed effective at different periods.







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BILL

An Act to amend The Insurance Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

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Mr. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Insurance Act.

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MR. ROEBUCK

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No. 51

1935

# BILL

## An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Insurance Amendment Act, 1935*.

### LIFE INSURANCE

Rev. Stat., c. 222, s. 119, re-enacted.      2. Section 119 of *The Insurance Act* is repealed and the following substituted therefor:

Interpretation.

119. In this Part, unless the context otherwise requires,—

"Adopted child."

1. "Adopted child" means a person who has been adopted by another person as his child and by reason thereof is entitled under the law of the place of adoption to inherit real property from that other person, if he dies intestate;

"Adopting parent."

2. "Adopting parent" means a person who has adopted another person as his child and by reason thereof is entitled under the law of the place of adoption to inherit real property from that other person, if he dies intestate;

"Beneficiary."

3. "Beneficiary" means a person designated or appointed as one to whom or for whose benefit insurance money is to be payable;

"Child" and "issue."

4. "Child" and "issue" include an adopted child;

"Contract," "Contract of Insurance," "Contract of Life Insurance."

5. "Contract," "contract of insurance" and "contract of life insurance" mean a contract of life insurance and include any other contract which an insurer may issue under the authority of a license to transact life insurance;

6. "Court" means the Supreme Court or a judge "Court." thereof;
7. "Declaration" means an instrument in writing "Declara-  
signed by the insured, attached to or endorsed tion."  
on a policy, or an instrument in writing, signed  
by the insured in any way identifying the  
policy or describing the subject of the declara-  
tion as the insurance or insurance fund or a  
part thereof or as the policy or policies of the  
insured or using language of like import, by  
which the insured designates or appoints a  
beneficiary or beneficiaries, or alters or revokes  
the designation or appointment of a beneficiary  
or beneficiaries, or apports or reapports,  
or appropriates or reappropriates, insurance  
money between or among beneficiaries;
8. "Foreign jurisdiction" means any jurisdiction "Foreign  
other than the Province; jurisdic-  
tion."
9. "Fraternal society" means a society, order or "Fraternal  
association incorporated for the purpose of society."  
making with its members only and not for  
profit contracts of life insurance under which  
benefits may be paid only to its members or  
their beneficiaries, in accordance with its  
constitution and laws and the provisions of  
this Act;
10. "Instrument in writing" includes a last will; "Instrument  
in writing."
11. "Insurance" means life insurance; "Insurance."
12. "Insurance money" includes all insurance "Insurance  
money, benefits, surplus, profits, dividends, money."  
bonuses and annuities payable by an insurer  
under a contract of insurance;
13. "Insured" means the person who makes a "Insured."  
contract with an insurer and, if the context so  
requires, includes the person whose life is  
insured;
14. "Insurer" includes any corporation, or any "Insurer."  
society or association, incorporated or unin-  
corporated, any fraternal society or any person  
or partnership, or any underwriter or group of  
underwriters, that undertakes or effects, or

agrees or offers to undertake or effect, a contract of insurance;

"Judge."

15. "Judge" means a judge of the court;

"Parent,"  
"Father,"  
"Mother."

16. "Parent," "father" and "mother" include an adopting parent of the same sex respectively;

"Person."

17. "Person" includes firm, partnership, corporation and unincorporated society or association;

"Premium."

18. "Premium" means the single or periodical payment to be made for the insurance, and includes dues and assessments.

Rev. Stat.,  
c. 222, s. 120,  
subs. 2,  
re-enacted.

3. Subsection 2 of section 120 of *The Insurance Act* is repealed and the following substituted therefor:

(2) This Part shall apply to every contract of life insurance made in the Province before the date on which this Part came into force, where the maturity of the contract had not occurred before that date.

Rev. Stat.,  
c. 222, s. 123,  
subs. 1,  
amended.

4.—(1) Subsection 1 of section 123 of *The Insurance Act* is amended by striking out the words "other than a fraternal society" in the second line so that the said subsection shall now read as follows:

Contents  
of policy.

(1) Every policy issued after the coming into force of this Part by an insurer shall state the name or sufficient designation of the insured, of the person whose life is insured, and of the beneficiary, the insurance money payable, the manner of payment, the premium, and the facts which determine the maturity of the contract.

Rev. Stat.,  
c. 222, s. 123,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 123 is renumbered section 123*a* and is amended by striking out the words "is less than one thousand dollars" in the second line and inserting in lieu thereof the words "does not exceed two thousand dollars" so that the said subsection shall now read as follows:

Payment of  
policy not  
exceeding  
\$2,000.

(123*a*) Where the amount of insurance money, exclusive of dividends and bonus, does not exceed two thousand dollars, the policy, notwithstanding that it is expressed to be payable to a named or designated beneficiary, may provide that the insurance money may be paid to any relative by blood or connection by marriage of the insured or any other person appearing to the insurer to be equitably entitled to



the same by reason of having incurred expense for the maintenance, medical attendance or burial of the insured or to have a claim against the estate of the insured in relation thereto.

(3) The said section 123 is amended by adding thereto the following subsections: Rev. Stat., c. 222, s. 123, amended.

- (2) Every policy shall state the period of grace within which the premiums may be paid and the terms and conditions upon which the policy may, if it shall lapse, be reinstated, and shall indicate the amount (if any), of cash surrender, or loan value and the options (if any) of the insured as to paid up or extended insurance respectively provided by the policy.
- (3) Every policy shall further indicate whether or not it will participate in any surplus or profits which may be declared.
- (4) Every policy which includes disability insurance shall further state what notice of the disablement of the insured shall be given to the insurer.
- (5) This section shall not apply to a contract of insurance made by a fraternal society.

5. Subsection 3 of section 124 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 222, s. 124, subs. 3, re-enacted.

- (3) In the case of a contract of insurance made by a fraternal society, the policy, the Act or instrument of incorporation of the society, its constitution and laws and the amendments validly made thereto, and the application for the contract and medical examination of the applicant as signed by him shall constitute the contract between the society and its member. Contract of fraternal society.

6. Sections 125, 126 and 127 of *The Insurance Act* are repealed and the following substituted therefor: Rev. Stat., c. 222, ss. 125, 126 and 127, re-enacted.

- 125.—(1) The applicant for a contract and the person whose life is to be insured shall each disclose to the insurer in the application for the contract, on the medical examination (if any), or in any statements or answers furnished in lieu of a medical examination every fact within his knowledge which is material to the contract, and a failure to disclose or misrepresentation of any such fact by either person shall render the contract voidable at the instance of the insurer. Disclosure and misrepresentation by insured.



Statements  
incontestable  
after two  
years.

- (2) The statements made by the insured, or the person whose life is insured, in the application, on the medical examination (if any), or in any statements or answers furnished in lieu of a medical examination other than fraudulent statements or statements erroneous as to age, shall be deemed to be true and incontestable after the contract has been in force for two years during the lifetime of the person whose life is insured, but this provision shall not apply with respect to disability insurance or double indemnity insurance.

Disclosure  
and mis-  
representa-  
tion by  
insurer.

126. A failure to disclose or misrepresentation of a fact material to the contract by the insurer shall render the contract voidable at the instance of the insured: provided that in the absence of fraud the contract shall not by reason of such failure to disclose or misrepresentation be voidable after the contract has been in force for two years during the lifetime of the person whose life is insured.

Materiality.

127. The question of materiality shall be one of fact.

Rev. Stat.,  
c. 222, s. 130,  
subs. 1,  
amended.

7. Subsection 1 of section 130 of *The Insurance Act* is amended by striking out the words "a contract providing for the payment of premiums weekly," in the fourth and fifth lines and inserting in lieu thereof the words "an industrial contract," so that the said subsection shall now read as follows:

Thirty days  
of grace for  
payment of  
premiums.

- 130.—(1) Where any premium (not being the initial premium), under any contract is unpaid, the insured, his assign or agent, or any beneficiary, may, within a period of grace of thirty days (or, in the case of an industrial contract, four weeks) from and excluding the day on which the premium is due, pay, deliver or tender to the insurer at its head office, or at its chief agency in the Province, or to its collector or authorized agent, the sum in default.

Rev. Stat.,  
c. 222,  
amended.

8. *The Insurance Act* is amended by adding thereto the following section:

Reinstatement  
of contract  
after lapse.

- 130a.—(1) Where a contract lapses and its cash value has not been paid and any options as to paid up or extended insurance have not been exercised, the insured shall be entitled to have the contract reinstated upon application within two years, or in the case of an industrial contract within one year, from the date of lapse upon the production of evidence of good health and other evidence of insurability of

the person whose life was insured satisfactory to the insurer as at the date of the application for reinstatement and upon payment of all overdue premiums and other indebtedness to the insurer under the contract, with interest at such rate not exceeding six per centum per annum compounded annually, as the contract provides, and provided that no change has taken place in such good health and insurability subsequently to the date of such application and before the contract is reinstated.

- (2) Where an application is made to reinstate a contract and the contract is reinstated, section 125 shall *mutatis mutandis* apply, and the period of two years referred to in subsection 2 of that section shall run from the date of reinstatement. Application of section 125.

- (3) If the contract which lapsed provided that in the event of the suicide of the person whose life was insured within a period of time fixed thereby it should be void or that the amount payable thereunder should be reduced, and after the contract is reinstated such person commits suicide within a period of time commencing with the date of reinstatement and of the same duration as the period of time fixed by the contract, the reinstated contract shall be likewise void, or the amount payable thereunder shall be likewise reduced. Suicide.

- (4) This section shall not apply to a contract of insurance made by a fraternal society. Application to fraternal societies.

9. Section 132 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 222, s. 132, re-enacted.

132. Where in a policy or declaration the insured appoints as beneficiaries or appoints or apports insurance-money to his "heirs," "legal heirs," "lawful heirs" or "next-of-kin," the insurance money shall be paid to the persons and in the shares provided by the law of the Province, state or country, in which the insured was domiciled at the date of his death respecting the distribution of the personal property of an intestate. Meaning of "heirs," "legal heirs," etc.

10. Section 138 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 222, s. 138, re-enacted.

138. A minor shall, after attaining the age of fifteen years, have the capacity of a person of full age: Capacity of minors.

- (a) To effect a contract of insurance on his own life and to deal with such contract;
- (b) To deal with a contract of insurance on his own life effected by him before attaining the age of fifteen years;
- (c) To deal with his interest in a contract of insurance effected on his life by another, whether effected before or after the minor attained the age of fifteen years;
- (d) If married, to effect a contract of insurance on the life of his wife or her husband or his or her children, as the case may be, and to deal with such contract.

Rev. Stat., c. 222, s. 140, subs. 2, re-enacted. **11.** Subsection 2 of section 140 of *The Insurance Act* is repealed and the following substituted therefor:

Preferred beneficiaries.

- (2) Subject to section 147a, preferred beneficiaries are the husband, wife, children, adopted children, grandchildren, children of adopted children, father, mother and adopting parents of the person whose life is insured.

Rev. Stat., c. 222, s. 142, subs. 2, re-enacted. **12.** Subsection 2 of section 142 of *The Insurance Act* is repealed and the following substituted therefor:

Declaration by will.

- (2) A declaration contained in a will shall as against a subsequent declaration be deemed to have been made at the date of the will and not as if it had been made immediately before the death of the testator.

Other declarations.

- (3) A declaration contained in an instrument purporting to be a will which has not been revoked otherwise than by operation of law shall be effective as a declaration, notwithstanding that the instrument is invalid as a testamentary instrument.

Rev. Stat., c. 222, s. 144, re-enacted. **13.** Section 144 of *The Insurance Act* is repealed and the following substituted therefor:

Death of ordinary beneficiary before maturity of contract.

- 144. Where there are several beneficiaries of whom one or more are ordinary beneficiaries and one or more of the ordinary beneficiaries die before the maturity of the contract, and no apportionment or other disposition of his or their shares is provided for in the contract or by a declaration, the share of any such deceased ordinary beneficiary, shall be payable to the



surviving designated beneficiary or beneficiaries, whether preferred or ordinary, and, if more than one, in equal shares but, if there is no surviving beneficiary, shall be payable to the insured or his estate.

**14.**—(1) Subsection 1 of section 145 of *The Insurance Act* is amended by striking out the words “so long as any of the class of preferred beneficiaries remains” in the fifth and sixth lines so that the said subsection shall now read as follows: Rev. Stat., c. 222, s. 145, subs. 1, amended.

**145.**—(1) Where the insured, in pursuance of the provisions of section 142, designates as beneficiary or beneficiaries, a member or members of the class of preferred beneficiaries, a trust is created in favour of the designated beneficiary or beneficiaries, and, the insurance money, or such part thereof as is or has been apportioned to a preferred beneficiary, shall not, except as otherwise provided in this Act, be subject to the control of the insured, or of his creditors, or form part of the estate of the insured. Trust in favour of preferred beneficiaries.

(2) Subsections 2 and 3 of the said section 145 are repealed and the following substituted therefor: Rev. Stat., c. 222, s. 145, subs. 2 and 3, re-enacted.

(2) The contract may provide or the insured may at any time direct by declaration that a preferred beneficiary shall be entitled only to the income from insurance money for life or for a period of time or subject to any limitation or contingency stated in the instrument. Right to income only.

(3) The provisions of this section are subject to any vested rights of beneficiaries for value and assignees for value, to the provisions hereinafter contained relating to preferred beneficiaries, and to any contingency or limitation stated in the instrument by which the insured designates a preferred beneficiary, provided that no provision in any instrument reserving to the insured the right to revoke or abridge the interest of a preferred beneficiary shall be effective so as to enable the insured to revoke or abridge that interest in favour of a person not in the class of preferred beneficiaries. Proviso: Vested rights of beneficiaries for value, etc.

**15.** Subsection 1 of section 147 of *The Insurance Act* is amended by striking out the words “the next following section” in the first and second lines and inserting in lieu thereof the words “section 148” so that the said subsection shall now read as follows: Rev. Stat., c. 222, s. 147, subs. 1, amended.

Meaning of  
"wife" and  
"children."

- 147.—(1) Subject to the provisions of section 148 where by the policy or by a subsequent declaration the insurance money or any part of it is made payable to or for the benefit of the wife of the person whose life is insured, his future wife, his wife and children or his future wife and children generally, or his children generally, the word "wife" means the wife living at the maturity of the contract, and the word "children" includes all the children of the person whose life is insured living at the maturity of the contract as well as the issue living at the maturity of the contract of any child of his who predeceases him, such issue taking by representation.

Rev. Stat.,  
c. 222,  
amended.

- 16.** *The Insurance Act* is amended by adding thereto the following section:

Adoption.

- 147a. For the purposes of this Part an adopted child and its adopting parent shall from the date of the adoption be deemed to bear towards one another the relationship of preferred beneficiaries, and an adopted child and its natural parents shall from the date of the adoption be deemed to bear towards one another the relationship of ordinary beneficiaries, and in either case this provision shall apply in respect of insurance effected both before and after the date of adoption.

Rev. Stat.,  
c. 222, s. 148,  
subs. 1,  
re-enacted.

- 17—**(1) Subsection 1 of section 148 of *The Insurance Act* is repealed and the following substituted therefor:

Right of  
insured to  
designate  
alternate  
beneficiary.

- 148.—(1) Subject to subsection 2 the contract may provide or the insured may at any time direct by declaration that if a preferred beneficiary shall die before the maturity of the contract, the insurance money or any part thereof appointed to the preferred beneficiary shall be payable to the insured, to his estate, or to any other person, whether that person is within the class of preferred beneficiaries or not.

Death of  
preferred  
beneficiary  
before  
maturity of  
contract:  
where  
alternative  
preferred  
beneficiary  
named.

- (2) Where the contract provides or the insured by a declaration directs that insurance money shall go to a preferred beneficiary and in the event of the death of the preferred beneficiary to some other person in the class of preferred beneficiaries, and the first-named beneficiary dies, the insured may before the maturity of the contract exercise only the powers referred to in section 146.

Idem: Where  
no alter-  
native  
preferred  
beneficiary  
named.

- (3) In case of the death of a preferred beneficiary before the maturity of the contract and in the absence of

any provision in the contract or a declaration by which some other person in the class of preferred beneficiaries is to become entitled to the insurance money or any part thereof appointed to the deceased beneficiary in the event of his death or upon the happening of any other event, the insured may deal under section 142 with the insurance money or part thereof in the same manner and to the same extent as if the deceased beneficiary had not been a preferred beneficiary.

(2) Subsection 2 of the said section 148 is renumbered subsection 4 and is amended by striking out the words "Subject to subsection 1 and to any provision in the policy or a declaration" at the commencement and inserting in lieu thereof the words "Subject to the provisions of this section" and is further amended by adding at the end of clause (a) the words "such issue taking by representation" so that the said subsection shall now read as follows:—

Rev. Stat.,  
c. 222, s. 148,  
subs. 2,  
renumbered  
subs. 4 and  
amended.

(4) Subject to the provisions of this section, the share of a preferred beneficiary who dies before the maturity of the contract shall be payable as follows:—

Disposal of  
share of  
deceased  
preferred  
beneficiary.]

(a) If the deceased beneficiary was a child of the person whose life is insured, and has left issue surviving at the maturity of the contract, his share, and any share to which he would have been entitled if he had survived, shall be payable to such issue in equal shares, such issue taking by representation.

(b) If there is no person entitled under clause *a*, the share of such deceased beneficiary shall be payable to the surviving designated preferred beneficiary or beneficiaries in equal shares.

(c) If there is no person entitled under clauses *a* and *b*, the share of such deceased beneficiary shall be payable in equal shares to the wife or husband and the child or children of the person whose life is insured living at the maturity of the contract, and the issue then living of any deceased child of the person whose life is insured, such issue taking in equal shares the share to which his or their parent would have been entitled if living.



- (d) If there is no person entitled under clauses *a*, *b* and *c*, the share of such deceased beneficiary shall be payable to the insured, or his estate.

Rev. Stat., c. 222, s. 152, re-enacted. **18.** Section 152 of *The Insurance Act* is repealed and the following substituted therefor:

Disposal of surplus or profits where preferred beneficiary.

152.—(1) Notwithstanding the designation of a preferred beneficiary, any person who effects a participating contract may, during his lifetime receive for his own benefit the surplus or profits declared on the contract or may direct the insurer to apply them in payment or reduction of premiums, or in the purchase of paid up additions to the sum insured, or to hold them to his credit for accumulation, or to deal otherwise with such surplus or profits as the contract may provide. Upon the maturity of the contract all surplus or profits so held to the credit of the insured, or being due and unpaid, shall, subject to the contract and to any direction by the insured to the contrary, be added to the insurance money and the share of any beneficiary shall be increased accordingly.

Insurer may apply surplus to keep contract in force.

- (2) The insurer may apply for the purpose of keeping the contract in force any surplus or profits declared on the contract and held by the insurer to the credit of the contract or of the insured, or held for accumulation, and not otherwise applied or dealt with under subsection 1.

Obligation of insurer.

- (3) The insurer shall not be obliged to pay or apply any surplus or profits in a manner contrary to the terms of the contract or of any subsequent agreement.

Rev. Stat., c. 222, s. 153, amended. **19.** Section 153 of *The Insurance Act* is amended by adding thereto the following subsections:

Where payable to minor, lunatic, etc., Court may make order.

- (3) Where insurance money is made payable to a minor or other person under disability or to a trustee on behalf of a minor or person under disability, and where the insurance money or a part thereof is required for the maintenance or education of the minor or person under disability, the Court may, upon the application of the insured, upon at least ten days' notice to the insurer, make an order, on such terms as it may deem just, permitting the insured to surrender the contract to the insurer, or to borrow from the insurer on the security thereof and payment

by the insurer in accordance with such order shall discharge it from liability in respect of such payment.

- (4) Where a contract has been assigned as security for any loan or debt the rights of any beneficiary, whether ordinary or preferred, under such contract shall be affected only to the extent necessary to give effect to the rights of the assignee, and when the loan or debt is discharged the assignee shall furnish a certificate in writing to that effect and that the assignee has no further right, title or interest in the contract.
- Where contract has been assigned.

**20.** Section 154 of *The Insurance Act* is amended by inserting after the word "contract" in the first line the words "or any instrument in writing" so that the section shall now read as follows:

Rev. Stat., c. 222, s. 154, amended.

154. Where by a contract or any instrument in writing a person is to become entitled to insurance money only in the event of the death of another person named as a beneficiary it shall not be necessary for such first mentioned person to join in any surrender, assignment or disposal of the contract.
- Consent of contingent beneficiary not necessary.

**21.** Subsection 1 of section 155 of *The Insurance Act* is amended by striking out the words "a subsequent" in the second line and inserting in lieu thereof the word "an" so that the subsection shall now read as follows:

Rev. Stat., c. 222, s. 155, subs. 1, amended.

- 155.—(1) Where the insurance money is payable in instalments and the contract, or an instrument in writing signed by the insured and delivered to the insurer, expressly provides that the beneficiary shall not have the right to commute the instalments or to alienate or assign his interest therein, the insurer shall not commute the instalments or pay them to any person other than the beneficiary, and the instalments shall not, in the hands of the insurer, be subject to legal process except in an action to recover for necessities supplied to the beneficiary or his or her infant children.
- Dealing with insurance money payable in instalments.

**22.** Section 156 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat., c. 222, s. 156, re-enacted.

- 156.—(1) Subject to the provisions of this Part relating to preferred beneficiaries, where it is so expressly provided in the contract or by an agreement in writing with the insurer or by a declaration, the
- Insurer holding insurance money after maturity of contract.

insurer may hold the insurance money or any part thereof after maturity of the contract subject to the order of the beneficiary, or upon such trusts or other agreements for the benefit of the beneficiary as may be provided in the contract, agreement or declaration, allowing and paying for the term during which the insurer retains such insurance money or any part thereof, interest thereon at a rate not less than that specified in the contract, agreement or declaration, or, if no rate be agreed upon, at the rate declared from time to time by the insurer in respect to insurance money so held by it; provided that the insurer shall not be bound to carry out the terms of any declaration to which it has not agreed in writing.

Validity of  
testa-  
mentary  
provisions.

- (2) Where under subsection 1 a contract, agreement, order, declaration or trust provides that a certain payment or disposition of the insurance money shall be made after the death of any party to the contract or agreement or of any person named therein or in the order or declaration or of a beneficiary under the trust, as the case may be, such provision shall, if testamentary, not be invalid by reason only that the requirements respecting the execution of a will have not been complied with.

Rev. Stat.,  
c. 222, s. 158,  
subs. 2,  
re-enacted.

**23.** Subsection 2 of section 158 of *The Insurance Act* is repealed and the following substituted therefor:

Proof of  
name and  
age of  
beneficiary.

- (2) Where the insurance money or part thereof is payable to or for the benefit of a beneficiary, the insurer shall be entitled to reasonably sufficient proof of the name and age of the beneficiary.

Rev. Stat.,  
c. 222, s. 159,  
subs. 2,  
re-enacted.

**24.** Subsection 2 of section 159 of *The Insurance Act* is repealed and the following substituted therefor:

Where  
payable.

- (2) Insurance money shall be payable in the province in which the insured is domiciled at the time of death, or in which he is domiciled when it becomes payable otherwise than by reason of death; or, if he was not or is not then domiciled in Canada and the contract does not otherwise provide, shall be payable at the head office of the insurer in Canada.

How  
payable.

- (3) Every amount to be paid to or by an insurer under a contract shall be payable in lawful money of Canada, unless the contract expressly provides for payment in another currency.



- (4) In every contract, whether the contract by its terms provides for payment in Canada or elsewhere, amounts expressed in dollars shall mean lawful dollars of Canadian currency, unless some other currency is specifically provided for in the contract. Meaning of "Dollars."

**25.** *The Insurance Act* is amended by adding thereto the following section: Rev. Stat.,  
c. 222,  
amended.

- 159a. Where insurance money is payable in respect of a policy on the life of a person who is at the date of his death domiciled elsewhere than in Canada to another person domiciled elsewhere than in Canada, and there is no person in Canada entitled to receive it, the insurer may pay it to the person to whom it is so payable, or to any other person entitled to receive it on his behalf by the law of the domicile of the payee. Payments  
outside of  
Canada.

**26.** Subsections 1, 2 and 3 of section 160 of *The Insurance Act* are repealed and the following substituted therefor: Rev. Stat.,  
c. 222, s. 160,  
subss. 1, 2  
and 3  
re-enacted.

- 160.—(1) Where the insurer admits the validity of the contract but does not admit the sufficiency of the proof furnished by the claimant of the maturity of the contract, or of the age of the person whose life is insured, or of the right of the claimant to receive payment of the insurance money, and where there is no other question in issue, except a question under subsection 2, the insurer or the claimant may, before or after action brought, upon at least thirty days' notice apply to the Court for a declaration as to the sufficiency of the proof furnished, and the Court may direct what further proof shall be furnished, or, in special circumstances, may dispense with further proof. Application  
to Court for  
declaration  
as to  
sufficiency  
of proofs.
- (2) Where the claimant alleges that the person whose life is insured is presumed to be dead by reason of his not having been heard of for seven years, and where there is no other question in issue except a question under subsection 1, the insurer or the claimant may, before or after action brought, upon at least thirty days' notice, apply to the Court for a declaration as to the presumption of death. Declaration  
as to  
presumption  
of death.
- (3) If the Court finds that the proof of the maturity of the contract or of the age of the person whose life is insured or of the right of the claimant to receive payment is sufficient, or that a presumption of death Effect of  
order of  
Court.

has been established, or makes an order directing what further proof shall be furnished or in special circumstances dispensing with further proof, the finding or order of the Court shall, subject to appeal, be conclusive and binding upon the applicant and all parties notified of the application and the Court may make such order as to the payment of the insurance money and as to the costs as to it may seem just.

Rev. Stat.,  
c. 222, s. 162,  
subs. 3,  
amended.

**27.**—(1) Subsection 3 of section 162 of *The Insurance Act* is amended by adding at the end thereof the words “whichever period shall first expire, but not afterwards” so that the said subsection shall now read as follows:

- (3) Where the death of the person whose life is insured is unknown to the person entitled to claim under the contract, an action or proceeding may be commenced within the prescribed period or within one year and six months after the death becomes known to him whichever period shall first expire but not afterwards.

Rev. Stat.,  
c. 222, s. 162,  
subs. 4,  
amended.

(2) Subsection 4 of the said section 162 is amended by striking out the words “within the prescribed period or” in the third line so that the said subsection shall now read as follows:

- (4) Where an action or proceeding is prematurely brought, the plaintiff may commence a new action or proceeding at any time within six months after the final determination of the first action or proceeding.

Rev. Stat.,  
c. 222, s. 164,  
subs. 1,  
re-enacted.

**28.** Subsection 1 of section 164 of *The Insurance Act* is repealed and the following substituted therefor:

Payment of  
share of  
minor,  
lunatic, etc.

- (1) Where no trustee is appointed to receive the share to which a minor or other person under disability is entitled, or where a trustee is named but refuses or neglects to act or dies or otherwise becomes incapable of acting, the share of the minor or other person under disability may be paid to a guardian or tutor or trustee of the minor or to a curator, committee or trustee of such other person under disability duly appointed by the Court.

Rev. Stat.,  
c. 222, s. 165,  
subs. 1,  
re-enacted.

**29.** Subsection 1 of section 165 of *The Insurance Act* is repealed and the following substituted therefor:

Insurer may  
obtain order  
for payment  
into Court.

- (1) Where the insurer admits liability for the insurance money or any part thereof, and it appears to the insurer that,—

- (a) there are adverse claimants; or,
- (b) the place of abode of a person entitled is unknown; or,
- (c) there is no person capable of giving or authorized to give, a valid discharge;

the insurer may, at any time after the expiration of one month from the maturity of the contract, apply to the Court for an order for payment of the money into Court, and the Court may upon such notice (if any) as it thinks necessary make an order accordingly.

#### AUTOMOBILE INSURANCE

**30.**—(1) Section 174 of *The Insurance Act* as enacted by Rev. Stat., c. 222, s. 174 section 2 of *The (Automobile) Insurance Act, 1932*, is amended (1932, c. 25, s. 2), by striking out the first twelve lines and inserting in lieu amended. thereof the following:

174.—(1) Subject to the provisions of subsections 2 and 3 <sup>Statutory conditions.</sup> and sections 175 and 183j, —

- (a) the conditions set forth in this section shall be statutory conditions and deemed to be part of every contract of automobile insurance and shall be printed on every policy with the heading "Statutory Conditions";
  - (b) no variation or omission of a statutory condition shall be valid nor shall anything contained in any addition to a statutory condition or in the description of the subject matter of the insurance be effective in so far as it is inconsistent with, varies or avoids any such condition.
- (2) Where the automobile insurance is neither insurance under a motor vehicle liability policy nor insurance against loss of or damage to an automobile designated in the policy, the Superintendent may prescribe appropriate conditions or may omit, vary or add to the statutory conditions.
- (3) The Superintendent may approve a form of motor vehicle liability policy appropriate to insure a limited or restricted use of the automobile and in that case



the statutory conditions shall be deemed to be amended so far as is necessary to give effect to the terms and conditions of the policy so approved and the provisions of sections 183*a* and 183*b* shall not apply.

Rev. Stat.,  
c. 222, s. 174,  
condition 2  
(1932,  
c. 25, s. 2),  
re-enacted.

(2) Condition 2 of the said section 174 is repealed and the following substituted therefor:

**Prohibited Use  
by Insured**

2.—(1) The insured shall not use or drive the automobile:

- (a) whilst under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or
- (b) whilst he is not for the time being qualified and authorized by law to drive or operate the automobile or, in case the law does not prescribe any qualification or authority whilst under the age of sixteen years; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

**Prohibited Use  
by Others**

(2) The insured shall not permit, suffer, allow or connive at the use of the automobile:

- (a) by any person under the influence of intoxicating liquor or drugs to such an extent as to be for the time being incapable of the proper control of the automobile; or
- (b) by any person who is not for the time being qualified and authorized by law to drive or operate the automobile or, in case the law does not prescribe any qualification or authority by any person under the age of sixteen years; or
- (c) for any illicit or prohibited trade or transportation; or
- (d) in any race or speed test.

Rev. Stat.,  
c. 222, s. 174,  
condition 5  
(1932,  
c. 25, s. 2),  
amended.

(3) Condition 5 of the said section 174 is amended by adding thereto the following paragraph:

**Repairs**

(3*a*) Except where an appraisal has been had, the insurer, instead of making payment may, within a reasonable time, repair, rebuild or replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within seven days after the receipt of the proofs of loss; but there can be no abandonment of the automobile to the insurer without its consent. In the event of the insurer exercising such option, the salvage, if any, shall revert to it.

Rev. Stat.,  
c. 222, s. 174,  
condition 11  
(1932,  
c. 25, s. 2),  
amended.

(4) Condition 11 of the said section 174 is amended by adding thereto the following paragraph:

(3) In this condition the expression "paid premium" means premium actually paid by the insured to the insurer or its agent, and does not include any premium or part thereof paid to the insurer by an agent unless actually paid to the agent by the insured.

**31.** Section 181 of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 222, s. 181  
(1932,  
c. 25, s. 2),  
re-enacted.

181.—(1) The insurer, upon making any payment or assuming liability therefor under a contract of automobile insurance, shall be subrogated to all rights of recovery of the insured against any person and may bring action in the name of the insured to enforce such rights.

Subroga-  
tion.

(2) If the net amount recovered, after deducting the costs of such recovery is not sufficient to provide a complete indemnity for the loss or damage suffered, such amount shall be divided between the insurer and the insured in the proportions in which such loss or damage has been borne by them respectively.

**32.** Subsection 1 of section 183*a* of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by striking out the words "or is responsible for the use of" in the third line so that the subsection shall now read as follows:

Rev. Stat.,  
c. 222,  
s. 183*a*,  
subs. 1  
(1932,  
c. 25, ss. 2,  
amended.

183*a*.—(1) Every owner's policy shall insure the person named therein, and every other person who, with his consent, uses any automobile designated in the policy, against the liability imposed by law upon the insured named therein or upon any such other person for loss or damage,—

Coverage  
of owner's  
policy.

(*a*) arising from the ownership, use or operation of any such automobile within Canada or the United States of America, or upon a vessel plying between ports within those countries; and

(*b*) resulting from

(i) bodily injury to or death of any person; or

(ii) damage to property; or,

(iii) both.

**33.** Clause *b* of section 183*d* of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by striking out the words "any person insured by the policy, or the children, wife or husband of any such person" in the second and third lines and inserting in lieu

Rev. Stat.,  
c. 222,  
s. 183*d*,  
cl. (*b*), (1932,  
c. 25, s. 2),  
amended.

thereof the words "the insured or the son, daughter, wife, husband, mother, father, brother or sister of the insured" so that the clause shall now read as follows:

- (b) for loss or damage resulting from bodily injury to or the death of the insured or the son, daughter, wife, husband, mother, father, brother or sister of the insured; or

Rev. Stat.,  
c. 222,  
s. 183e (1932,  
c. 25, s. 2),  
amended.

**34.** Section 183e of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by striking out the word "for" where it precedes the words "bodily injury" in the third and sixth lines and inserting in lieu thereof the words "against loss or damage resulting from" so that the said section shall now read as follows:

Minimum  
liability  
under policy

183e. Every owner's policy and driver's policy shall insure, in case of bodily injury or death, to the limit of at least \$5,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person, and, subject to such limit, for any one person so injured or killed, of at least \$10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, or, in case of property damage, to the limit of at least \$1,000 (exclusive of interest and costs) for damage to property resulting from any one accident.

Rev. Stat.,  
c. 222,  
s. 183f  
(1932,  
c. 25, s. 2),  
amended.

**35.** Section 183f of *The Insurance Act* as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by inserting after the word "in" in the third line the words "whole or in part in any or all of" and by striking out the words "and in statutory condition 3" in the last line of clause a so that the said section shall now read as follows:

Extended  
coverage.

183f. The insurer may, by an endorsement on the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in any or all of the following respects:

- (a) in the case of an owner's policy or a driver's policy, the matters mentioned in paragraphs d, e and f of section 183d; and
- (b) in the case of an owner's policy, the operation or use of automobiles not owned by nor registered in the name of the insured; and
- (c) in the case of an owner's policy or a driver's policy, such other matters as may be approved by the Superintendent.

**36.**—(1) Subsection 5 of section 183*h* of *The Insurance Act* Rev. Stat., c. 222, s. 183*h*, subs. 5 (1932, c. 25, s. 2), amended. as enacted by section 2 of *The (Automobile) Insurance Act, 1932*, is amended by inserting the words "coverage or extended" after the word "excess" in the fourth line so that the said subsection shall now read as follows:

- (5) Where a policy provides for coverage in excess of the limits mentioned in section 183*e* or for extended coverage in pursuance of section 183*f* nothing in this section shall, with respect to such excess coverage or extended coverage, prevent the insurer from availing itself, as against any claimant, of any defence which the insurer is entitled to set up against the insured. Defence where excess or extended coverage.

(2) The said section 183*h* is further amended by adding thereto the following subsection: Rev. Stat., c. 222, s. 183*h* (1932, c. 25, s. 2), amended.

- (7) Where an insurer denies liability under a motor vehicle liability policy it shall have the right upon application to the court to be made a third party in any action to which the insured is a party and in which a claim is made by any party to the action for which it is or might be asserted indemnity is provided by the said policy. Insurer may be made third party.

**37.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-ment of Act.









BILL

An Act to amend The Insurance Act.

---

*1st Reading*

February 25th, 1935

*2nd Reading*

March 6th, 1935

*3rd Reading*

April 12th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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**BILL**  
An Act respecting Police.

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MR. ROEBUCK

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No. 52

1935

# BILL

## An Act respecting Police.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited *The Police Act, 1935*.
- Interpre-      **2.** In this Act,—  
tation.
- “Constable.”      (a) “Constable” shall include police constable, county constable, high constable, special constable and peace officer, all members of every rank of a municipal police force and the Ontario Provincial Police;
- “Director.”      (b) “Director” shall mean Director of Special Police Services.
- Director of Special Police Services,—  
Appoint-  
ment of      **3.** The Lieutenant-Governor in Council may appoint a Director of Special Police Services who shall be responsible to and subject to the direction of the Attorney-General.
- Powers of Director.      **4** Subject to the regulations, the Director shall have the general control of all police forces within the Province, and shall have power to direct and order every constable to perform such duties as the Director may from time to time require.
- Duties of constable.      **5.** Every constable shall perform such duties as are delegated to him by the Director anywhere within the Province of Ontario.
- Inquiries by Director.      **6.** The Director may at any time hold an inquiry into the conduct of any constable and for such purpose shall have the same powers and authority as a commissioner appointed under the provisions of *The Public Inquiries Act*.
- Rev. Stat., c. 20.      **7.** The director shall be *ex-officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any
- When Director to be *ex-officio* a magistrate.

#### EXPLANATORY NOTE

The purpose of the Act is to place in one central authority to be known as the Director of Special Police Services, power to mobilize the various police forces of the Province when such is deemed necessary by the Attorney-General.

city, town, county, provisional county or provisional judicial district, or other locality in Ontario, and may make the same returnable in any city, town, county, provisional county, provisional judicial district or other locality in which any offence charged is alleged to have been committed.

**Regulations.** 8.—(1) The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as he may deem necessary for the carrying out of the provisions of this Act and for the efficient administration thereof, and may at any time repeal, alter or amend such regulations.

(2) Without limiting the generality of the provisions contained in subsection 1, it is declared that the powers of the Lieutenant-Governor in Council to make regulations in the manner set out in the said subsection shall extend to and include the following:

- (a) prescribing the duties and powers of the Director;
- (b) prescribing the duties and powers of constables or of any class of constables during a period of emergency;
- (c) providing for the payment of expenses incurred by constables when acting under the direction or order of the Director;
- (d) generally for the better carrying out of the provisions of this Act.

**Commence-  
ment of  
Act.** 9. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act respecting Police.

---

*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Adoption Act.

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MR. ROEBUCK

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No. 53

1935

# BILL

An Act to amend The Adoption Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Adoption Amendment Act, 1935*.

Rev. Stat.,  
c. 189, s. 5,  
amended.

**2.** Section 5 of *The Adoption Act* is amended by adding thereto the following subsection:

Change of  
Christian or  
given name.

(1a) In and by an adoption order the judge may in his discretion change the Christian or given name or names of the child to be adopted giving the child such name or names as the adopting parents may desire, and thereafter the child shall be entitled to and known by the name or names so given.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Subsection 1 of section 5 of *The Adoption Act* now provides that "upon an adoption order being made, the child shall, unless the adoption order otherwise provides, assume the surname of the adopting parent . . .," but there has been some doubt as to the right of the judge to change the Christian or given name of the child. The proposed amendment will make it clear that this may be done in the discretion of the judge.



BILL

An Act to amend The Adoption Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Adoption Act.

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MR. ROEBUCK

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No. 53

1935

# BILL

An Act to amend The Adoption Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Adoption Amendment Act, 1935*.

Rev. Stat.,  
c. 189, s. 5,  
amended.

**2.** Section 5 of *The Adoption Act* is amended by adding thereto the following subsection:

Change of  
Christian or  
given name.

(1a) In and by an adoption order the judge may in his discretion change the Christian or given name or names of the child to be adopted giving the child such name or names as the adopting parents may desire, and thereafter the child shall be entitled to and known by the name or names so given.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Adoption Act.

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*1st Reading*

February 25th, 1935

*2nd Reading*

March 8th, 1935

*3rd Reading*

March 25th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Representation Act.

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MR. BLACK

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# BILL

## An Act to amend The Representation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Representation Amendment Act, 1935*.

1933, c. 56,  
Sched. A,  
amended.

**2.** The definition of the Electoral District of Addington set out in Schedule A to *The Representation Act, 1933*, is amended by striking out the words "The Electoral District of Addington" at the commencement thereof, and inserting in lieu thereof the words "The Electoral District of Addington-Frontenac," so that the said definition shall now read as follows:

Addington-  
Frontenac.

THE ELECTORAL DISTRICT OF ADDINGTON-FRONTENAC,—  
to consist of the Townships of Abinger, Anglesea, Ashby, Camden, Denbigh, Effingham, Kaladar, Sheffield, and the Village of Newburgh in the County of Lennox and Addington, and the Townships of Barrie, Bedford, North Canonto, South Canonto, Clarendon, Hinchinbrook, Kennebec, Loughborough, Pittsburg, Miller, Olden, Oso, Palmerston, Portland, Kingston and Storrington in the County of Frontenac.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

By reason of the fact that this constituency is composed of part of the County of Lennox and Addington and part of the County of Frontenac it is deemed advisable that the name should be changed to Addington-Frontenac.

BILL

An Act to amend The Representation Act.

*1st Reading*

February 25th, 1935

*2nd Reading*

*3rd Reading*

MR. BLACK

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Interpretation Act.

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MR. HEIGHINGTON

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No. 55

1935

# BILL

## An Act to amend The Interpretation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Interpretation Act, 1935*.

Rev. Stat.,  
c. 1, s. 23,  
amended.      **2.**—(1) Section 23 of *The Interpretation Act* is amended by adding thereto the following subsection:

When  
effective.      (2) No regulations made by the Lieutenant-Governor in Council under this or any other Act shall have any force or effect until such regulations have been introduced by formal motion to the Legislative Assembly at a Session thereof and have remained listed as part of the proceedings of the House subject to the rules and privileges thereof for at least ten consecutive days of the Session.

Existing  
regulations.      (2) All existing regulations under this or any other Statute shall be tabled at this present Session of the Legislative Assembly and become subject to the foregoing subsection.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The object sought to be obtained by this legislation is to bring to an end the increasing practice of delegating from the Legislature to the Cabinet the authority to settle procedure, and the rights and responsibilities of persons or corporations under any Statute. It is submitted that in very many cases the regulations go far beyond the portent and effect of the Statute. Many decisions in the Courts show this to be the case. In addition, it has sometimes happened that rights and privileges which the Legislature has given to persons or corporations by Statute have been stultified or rendered useless by some regulation passed by the Minister in charge of the Department concerned. It is not necessarily suggested that the practice of issuing regulations is not reasonable or convenient, or that, in many cases, it does not save the Assembly a great deal of debate and detail. The whole point in the proposed legislation is to ensure that the Assembly shall have to be satisfied that in every instance the regulations passed conform with the letter and the spirit of the Statute.



BILL

An Act to amend The Interpretation Act.

*1st Reading*

February 27th, 1935

*2nd Reading*

*3rd Reading*

MR. HEIGHINGTON

No. 56

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Municipal Act.

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MR. HUNTER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 396.  
amended.

1. Section 396 of *The Municipal Act* is amended by adding thereto the following paragraph:

Establishing  
funds for  
bands.

2a. For providing by means of taxation for the establishment and maintenance of a fund for the support and aid of a band or bands of music and for making annual or other grants from such fund to any band or bands or to the members thereof.

Assent of the  
electors  
requisite.

(a) No by-law shall be passed under the authority of this paragraph unless the assent of the electors qualified to vote on money by-laws has first been obtained, and no by-law passed with such assent shall be repealed except with the like assent.

Submission  
of by-law on  
petition.

(b) Upon a petition for the establishment of a fund under the authority of this paragraph being presented to the council of a municipality signed by not less than ten per centum in number of the electors qualified to vote on money by-laws according to the last revised voters' list, the council shall at the next ensuing annual municipal elections submit a by-law for the establishment of the fund for the assent of the said electors and, if the same is assented to, shall pass the by-law.



BILL

An Act to amend The Municipal Act.

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*1st Reading*

March 4th, 1935

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

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No. 57

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Children of Unmarried Parents Act.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



# BILL

## An Act to amend The Children of Unmarried Parents Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Children of Unmarried Parents Amendment Act, 1935*.

Rev. Stat.,  
c. 188, s. 10,  
cl. d,  
re-enacted.      **2.** Clause *d* of section 10 of *The Children of Unmarried Parents Act* is repealed and the following substituted therefor:

(*d*) the putative father at any time has failed in whole or in part to carry out the terms of any agreement authorized by this Act.

Rev. Stat.,  
c. 188, s. 17,  
re-enacted.      **3.** Section 17 of *The Children of Unmarried Parents Act* as amended by section 15 of *The Statute Law Amendment Act, 1931*, is repealed and the following substituted therefor:

Reopening  
of  
application.      **17.—(1)** The judge may, upon the discovery of new evidence or fraud being shown by affidavit, grant leave to reopen and may reopen and reconsider any application for an affiliation order.

Order  
may be  
rescinded or  
varied.      **(2)** The judge may at any time where an order for payment has been made, rescind or vary such order as he sees fit and any order so varied may be enforced in like manner as the original order.

Rev. Stat.,  
c. 188, s. 19,  
subs. 2, cl. c,  
amended.      **4.** Clause *c* of subsection 2 of section 19 of *The Children of Unmarried Parents Act* as amended by section 18 of *The Statute Law Amendment Act, 1932*, is further amended by striking out the words "payments in respect of which he is in default" in the fifth and sixth lines and inserting in lieu thereof the words "sums of money payable under the order or such lesser sums as the judge may see fit to designate" so that the said clause shall now read as follows:

#### EXPLANATORY NOTES

Section 2. Some judges and solicitors, reading clause *d* as it stands at present, take the attitude that the application for an affiliation order must be made within one year from the first default under the agreement, whereas the Department of Public Welfare has taken the clause to mean within one year from the last payment made under the agreement.

The purpose of the amendment is to overcome any doubt which may exist.

Section 3. The present section has given trouble because it has been found that unless an affidavit is produced by the applicant before an application to reopen a case is heard, the respondent will be taken by surprise on the application to reopen.

Section 4. Under the Act the judge may order the payment of such amount as he may think fit by the parent towards the maintenance of the child and in default of such payment may commit the parent to gaol for a term not exceeding three months. Frequently arrears accumulate under an order which it becomes impossible for the parent to pay. The whole scheme of the Act is to provide support and maintenance for the child and if the parent is committed to gaol his earning power is cut off. The proposed amendment allows the judge to settle the amount of arrears at a lesser sum, if he thinks fit.

Enforcing  
payment by  
imprison-  
ment.

- (c) may, when a warrant has been issued or where the person in default fails to satisfy the judge that such default is due to inability to pay, order such person to be imprisoned for any period not exceeding three months unless the sums of money payable under the order, or such lesser sums as the judge may see fit to designate, are sooner paid.

Rev. Stat.,  
c. 188, s. 27,  
subs. 2,  
amended.

**5.** Subsection 2 of section 27 of *The Children of Unmarried Parents Act* as amended by section 15 of *The Statute Law Amendment Act, 1931*, is further amended by adding thereto the words "and of the ability and prospective means of the father to make the payments provided by such agreement" so that the said subsection shall now read as follows:

Default  
under  
agreement.

- (2) Upon default in payment under any such agreement the provincial officer may apply to a judge for an affiliation order, and such agreement when made by the person said to be the father of the child shall be *prima facie* proof of paternity and of the ability and prospective means of the father to make the payments provided by such agreement.

Rev. Stat.,  
c. 188.

**6.** Section 29 of *The Children of Unmarried Parents Act* is amended by adding thereto the following subsection:

Notice of  
appeal.

- (2) Notice of such leave to appeal shall be given within thirty days of the signing of the affiliation order.

Commence-  
ment of Act.

**7.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5. When an agreement to pay a certain amount each week is signed by the person said to be the father of the child, the signing of this agreement should also be *prima facie* proof of his ability to pay.

Section 6. It is desirable that there should be a limit placed upon the time in which an application for leave to appeal can be made.







BILL

An Act to amend The Children of  
Unmarried Parents Act.

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*1st Reading*

March 6th, 1935

*2nd Reading*

*3rd Reading*

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Children of Unmarried Parents Act.

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MR. CROLL

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No. 57

1935

# BILL

## An Act to amend The Children of Unmarried Parents Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Children of Unmarried Parents Amendment Act, 1935*.

Rev. Stat.,  
c. 188, s. 10,  
cl. d,  
re-enacted.      **2.** Clause *d* of section 10 of *The Children of Unmarried Parents Act* is repealed and the following substituted therefor:

(d) the putative father at any time has failed in whole or in part to carry out the terms of any agreement authorized by this Act.

Rev. Stat.,  
c. 188, s. 17,  
re-enacted.      **3.** Section 17 of *The Children of Unmarried Parents Act* as amended by section 15 of *The Statute Law Amendment Act, 1931*, is repealed and the following substituted therefor:

Reopening  
of  
application.

17.—(1) The judge may, upon the discovery of new evidence or fraud being shown by affidavit, grant leave to reopen and may reopen and reconsider any application for an affiliation order.

Order  
may be  
rescinded or  
varied.

(2) The judge may at any time where an order for payment has been made, rescind or vary such order as he sees fit and any order so varied may be enforced in like manner as the original order.

Rev. Stat.,  
c. 188, s. 19,  
subs. 2, cl. c,  
amended.      **4.** Clause *c* of subsection 2 of section 19 of *The Children of Unmarried Parents Act* as amended by section 18 of *The Statute Law Amendment Act, 1932*, is further amended by striking out the words "payments in respect of which he is in default" in the fifth and sixth lines and inserting in lieu thereof the words "sums of money payable under the order or such lesser sums as the judge may see fit to designate" so that the said clause shall now read as follows:

- (c) may, when a warrant has been issued or where the person in default fails to satisfy the judge that such default is due to inability to pay, order such person to be imprisoned for any period not exceeding three months unless the sums of money payable under the order, or such lesser sums as the judge may see fit to designate, are sooner paid. Enforcing payment by imprisonment.

5. Subsection 2 of section 27 of *The Children of Unmarried Parents Act* as amended by section 15 of *The Statute Law Amendment Act, 1931*, is further amended by adding thereto the words "and of the ability and prospective means of the father to make the payments provided by such agreement" so that the said subsection shall now read as follows: Rev. Stat., c. 188, s. 27, subs. 2, amended.

- (2) Upon default in payment under any such agreement the provincial officer may apply to a judge for an affiliation order, and such agreement when made by the person said to be the father of the child shall be *prima facie* proof of paternity and of the ability and prospective means of the father to make the payments provided by such agreement. Default under agreement.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Children of  
Unmarried Parents Act.

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*1st Reading*

March 6th, 1935

*2nd Reading*

March 20th, 1935

*3rd Reading*

April 1st, 1935

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Mr. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

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MR. CROLL

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# BILL

## An Act to amend The Deserted Wives' and Children's Maintenance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1935*.

Rev. Stat.,  
c. 184, s. 1,  
subs. 1,  
re-enacted.      **2.**—(1) Subsection 1 of section 1 of *The Deserted Wives' and Children's Maintenance Act* as amended by subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act, 1934*, is repealed and the following substituted therefor:

Order for  
maintenance  
of wife.

(1) Where a wife has been deserted by her husband an information may be laid before a justice of the peace and such justice of the peace shall issue a summons against the husband in accordance with the form in the schedule to this Act and if upon the hearing before a magistrate, it appears that the husband has deserted his wife without having made adequate provision for her maintenance and the maintenance of his children residing with her and that he is able to maintain them in whole or in part and neglects or refuses so to do, the magistrate may order him to pay such weekly sum as may be deemed proper, having regard to all the circumstances and such order may be in the form given in the schedule to this Act.

Rev. Stat.,  
c. 184, s. 1,  
subs. 2,  
re-enacted.      (2) Subsection 2 of the said section 1, as amended by subsection 2 of section 2 of *The Deserted Wives' and Children's Maintenance Act, 1934*, is repealed and the following substituted therefor:

Desertion  
of wife.

(2) A married woman shall be deemed to have been deserted within the meaning of this section when she is living apart from her husband because of his acts of cruelty, or of his refusal or neglect, without sufficient cause, to supply her with food and other neces-

#### EXPLANATORY NOTES

Section 2.—(1) In order that a magistrate shall not have any pre-conceived ideas in connection with cases under this Act coming before him, it is desirable to require a justice of the peace to take the information.

(2) The purpose of the amendment is to permit a wife whose husband fails to carry out the provisions of a separation agreement to proceed against him under this Act.

saries when able so to do, or of the husband having been guilty of adultery which has not been condoned and which is duly proved, or when she has been living apart from her husband and there has been default in payments in any separation agreement entered into by the husband and wife either in writing or otherwise and whether or not the separation agreement contains express provision excluding the operation of this Act.

Rev. Stat.,  
c. 184, s. 8,  
subs. 2, cl. c,  
amended.

3. Clause *c* of subsection 2 of section 8 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after the word "order" in the sixth line the words "or such lesser sums as the judge may see fit to designate" so that the said clause shall now read as follows:

Enforcement  
of order by  
imprison-  
ment.

(c) may, when a warrant has been issued, or where the person in default fails to satisfy the magistrate that such default is due to inability to pay, order and adjudge such person to be imprisoned for a term not exceeding three months unless the sums of money payable under the order, or such lesser sums as the judge may see fit to designate, are sooner paid.

Commence-  
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 3. Under this Act a magistrate or judge may make an order for the maintenance of a wife under section 1 and the maintenance of a child under section 2. Husband and wife sometimes make other arrangements, the court order may fall into disuse and it frequently occurs that considerable arrears accumulate. Later the husband may be committed to gaol, under subsection 2 of section 8, for non-payment. It is thought advisable to allow the judge to settle the amount of arrears at a lesser sum, if the payment of the original sum is impossible, rather than commit the husband or father to gaol and thus cut off his earning power entirely.







BILL

An Act to amend 'The Deserted Wives' and  
Children's Maintenance Act.

---

*1st Reading*

March 6th, 1935

*2nd Reading*

*3rd Reading*

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MR. CROLL

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No. 58

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935 .

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# BILL

An Act to amend The Deserted Wives' and Children's Maintenance Act.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 58

1935

# BILL

## An Act to amend The Deserted Wives' and Children's Maintenance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1935*.

Rev. Stat.,  
c. 184, s. 1,  
subs. 1,  
re-enacted.

**2.**—(1) Subsection 1 of section 1 of *The Deserted Wives' and Children's Maintenance Act* as amended by subsection 1 of section 2 of *The Deserted Wives' and Children's Maintenance Act, 1934*, is repealed and the following substituted therefor:

Order for  
maintenance  
of wife.

(1) Where a wife has been deserted by her husband an information may be laid before a justice of the peace and such justice of the peace may issue a summons against the husband in accordance with the form in the schedule to this Act and if upon the hearing before a magistrate, it appears that the husband has deserted his wife without having made adequate provision for her maintenance and the maintenance of his children residing with her and that he is able to maintain them in whole or in part and neglects or refuses so to do, the magistrate may order him to pay such weekly sum as may be deemed proper, having regard to all the circumstances and such order may be in the form given in the schedule to this Act.

Rev. Stat.,  
c. 184, s. 1,  
subs. 2,  
re-enacted.

(2) Subsection 2 of the said section 1, as amended by subsection 2 of section 2 of *The Deserted Wives' and Children's Maintenance Act, 1934*, is repealed and the following substituted therefor:

Desertion  
of wife.

(2) A married woman shall be deemed to have been deserted within the meaning of this section when she is living apart from her husband because of his acts of cruelty, or of his refusal or neglect, without sufficient cause, to supply her with food and other neces-

saries when able so to do, or of the husband having been guilty of adultery which has not been condoned and which is duly proved, notwithstanding the existence of a separation agreement, providing there has been default thereunder and whether or not the separation agreement contains express provisions excluding the operation of this Act.

3. Clause *c* of subsection 2 of section 8 of *The Deserted Wives' and Children's Maintenance Act* is amended by inserting after the word "order" in the sixth line the words "or such lesser sums as the judge may see fit to designate" so that the said clause shall now read as follows:

- (c) may, when a warrant has been issued, or where the person in default fails to satisfy the magistrate that such default is due to inability to pay, order and adjudge such person to be imprisoned for a term not exceeding three months unless the sums of money payable under the order, or such lesser sums as the judge may see fit to designate, are sooner paid.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend 'The Deserted Wives' and  
Children's Maintenance Act.

---

*1st Reading*

March 6th, 1935

*2nd Reading*

March 11th, 1935

*3rd Reading*

March 25th, 1935

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Mr. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Statute of Frauds.

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MR. ROEBUCK

---



No. 59

1935

# BILL

An Act to amend The Statute of Frauds.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Statute of Frauds Amendment Act, 1935*.

Rev. Stat.,  
c. 131, s. 11,  
amended.      **2.** Section 11 of *The Statute of Frauds* is amended by striking out the words "separate from the sale agreement" in the fifth line thereof.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to permit a person to bring an action for the recovery of commission or other remuneration for effecting a sale, purchase, exchange or leasing of real property where there is an agreement in writing signed by the party to be charged or some person therein by him lawfully authorized.

The amendment abolishes the present requirement that there must be a separate agreement respecting commission or remuneration.

BILL

An Act to amend The Statute of Frauds.

---

*1st Reading*

March 7th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Statute of Frauds.

---

MR. ROEBUCK

---

No. 59

1935

# BILL

An Act to amend The Statute of Frauds.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Short title.**      **1.** This Act may be cited as *The Statute of Frauds Amendment Act, 1935*.

**Rev. Stat.,  
c. 131, s. 11,  
amended.**      **2.** Section 11 of *The Statute of Frauds* is amended by striking out the words "separate from the sale agreement" in the fifth line thereof.

**Commence-  
ment of Act.**      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Statute of Frauds.

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*1st Reading*

March 7th, 1935

*2nd Reading*

March 15th, 1935

*3rd Reading*

March 25th, 1935

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MR. ROEBUCK

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No. 60

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

An Act for the Registration of Real Estate Brokers and Salesmen.

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MR. ROEBUCK

---

No. 60

1935

# BILL

## An Act for the Registration of Real Estate Brokers and Salesmen.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

Short title.      **1.** This Act may be cited as *The Real Estate Brokers Act, 1935*.

Interpre-  
tation.      **2.** In this Act,—

“Commis-  
sion.”      (a) “Commission” shall mean the Ontario Securities Commission; 1933, c. 59, s. 34 (1).

“Company.”      (b) “Company” means any incorporated corporation, association, or other organization; 1930, c. 40, s. 2 (a).

“Fraud.”      (c) “Fraud,” “fraudulent” and “fraudulent act” shall, in addition to their ordinary meaning, include:

(i) any intentional misrepresentation by word, conduct or in any manner of any material fact either present or past, and any intentional omission to disclose any such fact;

(ii) any promise or representation as to the future which is beyond reasonable expectation and not made in good faith; 1930, c. 40, s. 7.

(iii) the failure, within a reasonable time, to account for or pay over to the person entitled thereto, any moneys received in respect of a trade in real estate;

(iv) acting as a broker or salesman for more than one party in respect of a trade in real estate without the knowledge of all other parties;  
*New.*

#### GENERAL EXPLANATORY NOTE

This Act is a consolidation of the former *Real Estate Brokers Act, 1930*, and the Regulations that were made thereunder. Its purpose is to enable those persons to whom it applies to more readily understand the Act, its requirements, and the offences to which they are subject.

Section 1. Short title.

Section 2. This is same as in present Act with the exception of sub-clauses 3 and 4 of clause (c), which are self-explanatory. Clause (d) new. This is at present one of the Regulations made under *The Real Estate Brokers Act*. Clause (f) is new and is self-explanatory.

- (v) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser or the vendor of any real estate as to the nature of any transaction or as to the value of such real estate;
- (vi) the making of any material false statement in any application, information, material or evidence submitted or given to the Commission, its representative or the Registrar under the provisions of this Act or the regulations;
- (vii) the violation of any provision of this Act or of the regulations relating to trading in real estate;
- (viii) generally any artifice, agreement, device or scheme, course of conduct or business to obtain money, profit or property by any of the means hereinbefore set forth or otherwise contrary to law and anything specifically designated in the regulations as coming within the meaning of this definition; 1930, c. 40, s. 7.

"Official."

- (b) "Official" shall include the president, vice-president, secretary, treasurer, managing director, general manager, department and branch office managers, and all other persons acting in a similar capacity whether so designated or not; *New*.

"Person."

- (e) "Person" shall mean an individual, partnership, association, syndicate and any unincorporated organization; 1930, c. 40, s. 2 (c).

"Prescribed."

- (f) "Prescribed" shall mean prescribed by this Act or the regulations; *New*.

"Real Estate."

- (g) "Real estate" shall include real property and leasehold;

"Real Estate broker."

- (h) "Real estate broker" shall mean every person or company trading in real estate for whole or part time, for another or others, and for compensation, gain or profit or hope or promise thereof, alone or through one or more officials or salesmen, and every person or company in any way holding himself or itself out as such, and shall include such officials of a company as may be designated by the regulations;





- "Registrar." (i) "Registrar" shall mean the person appointed by the Lieutenant-Governor in Council to act as Registrar of the Commission under the provisions of this Act and the regulations;
- "Regulations." (j) "Regulations" shall mean the regulations made from time to time by the Lieutenant-Governor in Council under the provisions of this Act;
- "Salesman." (k) "Salesman" shall mean every person employed, appointed or authorized by any real estate broker to trade in real estate whether directly or through sub-agents, and shall include sub-agents;
- "Trade." (l) "Trade" or "trading" shall include any disposition of, transaction in, offer or attempt to dispose of real estate by sale, agreement of sale, exchange, purchase, option, lease, rental or otherwise, and any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing, or specifically designated as "trade" or "trading" in the regulations; 1930, c. 40, s. 2 (*d-i*).

## PART I.

### REGISTRATION

Agents,  
officials,  
and  
salesmen to  
register.

#### 3.—(1) No person shall,—

- (a) trade in real estate unless he is registered as a real estate broker or salesman of a registered real estate broker;
- (b) act as an official of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate broker, unless he or the partnership or company is registered as a real estate broker;
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate broker unless he is registered as a salesman of a partnership or company which is registered as a broker,

and such registrations have been made in accordance with the provisions of this Act and the regulations, and any violation of this section shall constitute an offence; 1930, c. 40, s. 3 (1).

Section 3. Same as in present Act.

Partnership  
or company  
may be  
registered.

(2) With the approval of the Commission, any partnership or company may be registered as a real estate broker whereupon the partnership or company may trade in real estate, and the members and officials of the partnership, and the officials of the company may act as such without separate registration, and the provisions of this Act and of the regulations relating to registered persons or companies, shall be deemed to apply to such partnership or company. 1930, c. 40, s. 3 (2); 1933, c. 59, s. 34 (2).

New  
officials  
must be  
approved.

(3) No person who becomes a member or official of a partnership or an official of a company, after the partnership or company has been registered under subsection 2 shall trade in real estate until the partnership or company has received from the Registrar written permission for such person so to trade.  
*New.*

Exemptions.

4. Registration shall not be required in respect of any trades in real estate by,—

Judicial  
sales.

(a) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act*, *The Companies Act*, *The Judicature Act*, the *Winding-up Act*, or to any person acting under the order of any court, or any executor or trustee selling under the terms of any will, marriage settlement or deed of trust; 1930, c. 40, s. 4 (a).

R.S.C., c. 11,  
Rev. Stat.,  
cc. 218, 88,  
R.S.C.,  
c. 213.

Isolated  
transactions.

(b) an isolated trade in real estate by or on behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like character, and is not made by a person whose usual business is trading in real estate;  
*New.*

Trades by  
banks, etc.,  
in certain  
cases.

(c) any bank, or any loan, trust or insurance company trading in real estate owned or administered by such company; 1930, c. 40, s. 4 (c); *Amended.*

Mining  
property.

(d) any person in respect of any mine or mining property within the meaning of *The Mining Act* and in respect of the real estate comprised in any Crown grant or lease of a mining claim or mineral lands under *The Mining Act* or any Act for which the same is substituted; 1930, c. 40, s. 4 (d).

Rev. Stat.,  
c. 45.

Solicitor.

(e) any person who carries on business as a solicitor of the Supreme Court when the trade is on a client's account; *New.*

Trades  
exempted  
by regu-  
lations.

(f) any class of trades in real estate, or of real estate brokers or salesmen specifically exempted by the regulations. 1930, c. 40, s. 4 (f).

Section 4. (a) Same as in present Act.

(b) This has been amended to allow a trade by a person on behalf of the owner as well as the owner.

(c) This has been amended to exempt trades in real estate only where it is owned or administered by such Company.

(d) The same as in present Act.

(e) This is one of the present Regulations.

(f) Same as in present Act.



Application  
to be upon  
forms with  
proper fees  
and bonds.

**5.—(1)** Every application under this Act or the regulations shall be made in writing upon the forms provided by the Registrar, and shall be accompanied by the prescribed fee and such bond as may be required. *Redrafted.*

Address for  
service.

(2) Every applicant, whether domiciled in Ontario or not, shall state in every application an address for service in Ontario, and all notices under this Act or the regulations and all legal process issued by or on behalf of any person or company shall be sufficiently served for all purposes if posted by registered mail to the applicant at the latest address for service so stated, and in the case of a non-registered company where the officials are registered to the latest address of the person registered as the senior official of such company in Ontario.

Further  
information.

(3) The Registrar may from time to time and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any matter then or previously submitted; 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

\$500 bond  
by every  
applicant  
for  
registration  
as a broker.

**6.—(1)** Every applicant for registration as a broker shall before registration deliver a bond by the applicant or the person or company he represents as the Registrar may require, such bond to be in the sum of \$500 and in such form and upon such condition as shall be prescribed.

Bond by a  
surety  
company  
if required.

(2) The Registrar may and when so directed by the Commission shall require any applicant or any registered person or company within a specified time limit to deliver a bond by a surety company approved by the Commission or any other bond in such form and upon such condition as shall be prescribed and in such amount as the regulations or the Commission shall require.

New bond.

(3) The Registrar may and when so directed by the Commission shall require a new or an additional bond of the kind mentioned in subsection 1 or 2 to be filed within a specified time limit. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

Registration.

**7.** Unless the Commission otherwise directs, the Registrar may, if it appears that the application should be granted, issue a registration certificate, in such form as may be prescribed by the Registrar, whereupon the applicant shall be deemed to be registered as a broker or salesman as the case may be. *New.*

Registration  
certificate.

Expiration  
and  
renewal of  
registration.

**8.** Registrations shall expire on the 31st day of March in each year and every registered broker or salesman shall apply for renewal of registration on or before the 21st day of March,

Section 5. Same as in present Act.

Section 6. Same as in present Act.

Section 7. This provides for the issuing of a registration certificate.

Section 8. Same as in present Act with the exception of time of expiry which has been amended to correspond with the new fiscal year.



giving full particulars of any change in the facts set forth in the latest application form on record, and enclosing the proper fee as upon a first application. *New.*

Orders  
concerning  
applications

9.—(1) The Commission may order that,—

(a) any application for registration, renewal, or change of registration shall or shall not be granted for any reason which it may deem sufficient; or that

Suspension  
or cancel-  
lation by  
order of  
Commission.

(b) the registration of any broker or salesman shall be suspended or cancelled for any reason which it may deem sufficient,

and no order of the Commission shall be subject to review in any way in any Court.

Further  
application.

(2) Notwithstanding any order of the Commission a further application may be made upon new or other material, or where it is clear that material circumstances have changed. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

## PART II.

### FEES.

Fees.

10. The following fees shall be paid to the Registrar:

- |   |         |
|---|---------|
| (1) Fee for registration of a real estate broker who carries on business in a city or within five miles from the boundaries of a city having a population of 100,000..... | \$15.00 |
| (2) Fee for registration of a real estate broker who carries on business other than in (1).....   | 5.00    |
| (3) Fee for registration of a salesman.....   | 3.00    |
| (4) Fee when salesman notifies the Registrar of change of employer.....   | 1.00    |
| (5) Fee for renewal of registration; same fee as upon a first application.  |         |
| (6) Alteration fee for every material change in registration.....   | 1.00    |
- New.*

Disposition  
of fees.

11. The Registrar shall cause all cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario and the same shall form part of the Consolidated Revenue Fund. *New.*

Section 9. Same as in present Act, deleting reference to temporary registrations.

Section 10. This has been altered to provide for registration for the whole of Ontario, where the present Act requires registration only in cases of Cities or within five miles of the boundaries of a City having a population of 100,000 or more.

Section 11. One of the present Regulations.

Refunds.

**12.** The Registrar shall where any application is refused make a refund to the applicant of the amount of the fee which accompanied the application, and in any other cases may make such proportionate refunds as seem fair and reasonable. *New.*

### PART III.

#### INVESTIGATION AND ACTION BY THE COMMISSION.

Investigation by Commission.

**13.**—(1) The Commission, or any person or persons to whom as its representative or representatives it may in writing delegate such authority, may examine any person, company, property or thing whatsoever at any time in order to ascertain whether any fraudulent act, or any offence against this Act or the regulations has been, is being, or is about to be committed, and for such purpose shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil cases, save that the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby and no evidence given shall be privileged except under *The Evidence Act* and the *Canada Evidence Act*, and save further that no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operation of this section.

Rev. Stat., c. 107;  
R.S.C. c. 59.

Appointment of accountants and other experts.

(2) When the Commission or its representative is about to examine or is examining any person or company under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters and report thereon to it.

Failure to give information, etc., an offence and also *prima facie* evidence.

(3) The failure without reasonable excuse of any person or company to furnish information required by the Registrar under Part I within the time limited, or the failure without reasonable excuse of any person summoned for examination under subsection 1 to appear or his refusal to give evidence or to answer any question where the evidence or answer could be required in an action or the failure without reasonable excuse or refusal of any person or company to produce anything shall constitute an offence and shall also be *prima facie* evidence upon which,—

Section 12. One of the present Regulations.

Section 13. Same as in present Act.



- (a) the Commission or its representative may base an affirmative finding concerning any fraudulent act to which it may deem it relevant, or
- (b) a police magistrate may base a conviction for an offence against this Act or the regulations.

Evidence  
not to be  
disclosed.

(4) Disclosure by any person other than the Commission, its representative or the Registrar, without the consent of any one of them, of any information or evidence obtained or the name of any witness examined or sought to be examined under subsection 1 shall constitute an offence; 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

Commission  
may order  
funds, etc.,  
to be held.

**14.—(1) The Commission may,—**

- (a) when it is about to examine or during or after the examination of any person or company under the provisions of section 13, or
- (b) where criminal proceedings which in its opinion are connected with or arise out of any trade in real estate, or out of any business conducted by the accused are about to be or have been instituted against any person,

in writing or by telegram direct any person or company having in Ontario on deposit or under control or for safe keeping any funds or securities of the person or company so to be or actually examined, or charged, to hold such funds or securities or direct the person or company so to be or actually examined or charged to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping, or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or the *Winding-up Act*, or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, and failure without reasonable excuse by any person or company to comply with any such direction shall constitute an offence, provided that in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

“Proviso.”

Application  
for  
direction.

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such fund or security and may make such order as to costs as may seem just.

Section 14. Same as in present Act.



Notice to  
Registrars  
of Deeds or  
Masters  
of Titles.

(3) In any of the circumstances mentioned in clauses *a* or *b* of subsection 1, the Commission may in writing or by telegram notify any Registrar of Deeds or Master of Titles or any Local Master of Titles that proceedings are being or are about to be taken which may affect land belonging to the person or company referred to in the said notice which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens*, save that the Commission may in writing revoke or modify such notice. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

## PART IV.

### FORFEITURES AND OFFENCES.

Forfeiture  
of bonds.

**15.**—(1) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when the broker or salesman in respect of whose conduct the bond is conditioned, or any official of the broker has, in connection with a trade in real estate been,—

\$500 bond.

(a) in the case of the bond mentioned in subsection 1 of section 6

(i) charged with any criminal offence, or,

(ii) found upon investigation by the Commission or its representative to have committed a fraudulent act; or

Bond by  
surety  
company.

(b) in the case of the bond mentioned in subsection 2 of section 6

(i) convicted of a criminal offence, or

(ii) convicted of an offence against any provision of this Act or the regulations, or

(iii) a party to civil proceedings in the courts as a result of which final judgment has been given against such person, company or official in connection with a trade in real estate where such judgment is based upon a finding of fraud.

Forfeiture  
upon bank-  
ruptcy or  
winding up  
proceedings.

(2) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the

Section 15. Same as in present Act.

person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when proceedings by or in respect of the broker or salesman in respect of whose conduct the bond is conditioned have been taken under the *Bankruptcy Act* or by way of winding up.

Assignment  
of bond or  
payment of  
moneys to  
creditors.

(3) The Commission may assign any bond forfeited under the provisions of subsection 1 or 2, or may pay over any moneys recovered thereunder to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company as the case may be, such assignment or payment over to be in accordance with and upon conditions set forth in the regulations or in any special order of the Lieutenant-Governor in Council.

Bankruptcy  
proceedings,  
etc.

(4) The Commission whenever His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of sections 5, 6 and 15, may take such proceedings as it shall see fit under the *Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or the *Winding-up Act* for the appointment of an interim receiver, custodian, trustee, receiver or liquidator as the case may be. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

R.S.C.,  
cc. 11, 213.  
(Dom.),  
Rev. Stat.,  
cc. 88, 218.

Separate  
books of  
account to  
be kept by  
brokers.

**16.** Every registered real estate broker shall keep proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade the nature of the trade and,—

- (a) a description of the parcel of real estate involved sufficient to identify it;
- (b) the true consideration for the trade;
- (c) the names of all parties to the trade; and
- (d) the amount of his commission and the party paying it;

and failure, without reasonable excuse, to comply with the provisions of this section shall constitute an offence. *New.*

Financial  
statement  
to be  
filed with  
Registrar.

**17.** Every registered real estate broker shall, as the Registrar may require, file a certificate satisfactory to the Registrar as to the financial position of the broker, signed by the broker or by two of the partners or officials thereunder and by an independent accountant, and failure without reasonable excuse to comply with the provisions of this section or the requirements of the Registrar thereunder shall constitute an offence. *New.*

Section 16. One of the present Regulations.

Section 17. One of the present Regulations.

**18.** Every broker shall keep the registration certificate displayed in a conspicuous place at the office of such broker. Any violation of this section without reasonable excuse shall constitute an offence. *New.*

**19.** No action shall be brought for commission or other remuneration for services as an agent in connection with a trade in real estate unless at the time of rendering such services the person or company bringing such action was registered or exempt from registration under this Act, and the court may stay any such action at any time upon summary application; 1930, c. 40, s. 9.

**20.** No real estate broker or salesman shall make any representation written or oral that he or any other person or any company will resell, or guarantee in any way to resell any real estate offered for sale by such broker or salesman, unless the maker of the representation at the time of making it, delivers to the person to whom the representation is made a letter, or photostatic copy thereof, from the real estate broker setting forth such representations in clear language, and any violation of this section shall constitute an offence. *New.*

**21.** The registration of a salesman shall be suspended upon the termination of his employment with a registered real estate broker, of which termination both the employer and salesman shall at once notify the Registrar in writing and such suspension shall continue until another registered real estate broker has, in writing, notified the Registrar that the salesman is in his employ. *New.*

**22.—(1)** Every registered real estate broker shall in writing notify the Registrar of

- (a) any change in the address for service;
- (b) any change in the officials or members in the case of a company or partnership; or
- (c) the commencement and termination of employment of every salesman.

**(2)** Every registered salesman shall, in writing, notify the Registrar of

- (a) any change in his address for service;
- (b) each commencement and termination of his employment by a registered real estate broker.

**(3)** Failure to comply with the provisions of this section shall constitute an offence. *New.*



Section 18. New. Self-explanatory.

Section 19. Same as in present Act.

Section 20. One of the present Regulations.

Section 21. One of the present Regulations.

Section 22. One of the present Regulations.



Salesman  
trading  
for other  
brokers.

**23.** Any salesman who trades in real estate on behalf of any real estate broker other than his employer, without the consent of the latter, confirmed in writing, shall be guilty of an offence. *New.*

Fraudulent  
acts an  
offence.

**24.** Any person who commits a fraudulent act as defined by clause *c* of section 2 shall be guilty of an offence. *New.*

Penalties.

Rev. Stat.,  
c. 36 (Dom.),  
Rev. Stat.,  
c. 121.

**25.—(1)** Every person, including any officer, director, official, or employee of a company, who is knowingly responsible for the violation of any provision of this Act or of the regulations designated as an offence, shall be liable upon conviction thereof under *The Summary Convictions Act* to a penalty of not more than \$1,000 for a first offence, nor \$2,000 for a second or subsequent offence, and in case of either a first or a subsequent offence either in default of payment of any penalty imposed, or in addition to such penalty, to imprisonment for a term not exceeding six months.

Companies.

**(2)** The provisions of subsection 1 shall be deemed to apply *mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000.

Consent of  
Commission  
before  
action.

**(3)** No proceedings under this section shall be instituted except with the consent or under the direction of the Commission. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

Time for  
commence-  
ment of  
action.

**(4)** No proceedings under this section shall be instituted except within two years after the offence is committed. *New.*

## PART V.

### GENERAL PROVISIONS.

Consultation  
with  
Advisory  
Board.

**26.** The Commission or the Registrar may, in respect of any matter of registration or investigation, confer with any committee appointed by any organization of real estate brokers to act as an Advisory Board. 1930, c. 40, s. 6; *amended.*

Evidence.

**27.** Any information, evidence, exhibit or thing obtained by the Commission, or its representative or the Registrar under the provisions of this Act, or the regulations, or copies thereof, or statement that a person or company is or is not registered or other data concerning registration purporting to be certified by the Commission or the Registrar without proof of the office or signature of the person certifying, shall, so far as relevant, be receivable in evidence for all purposes in any action, proceeding or prosecution and, in proceedings

Section 23. One of the present Regulations.

Section 24. New; makes it a specific offence for anyone who commits a fraudulent act as defined by clause (c) of section 2 of the Act.

Section 25. (1) Same as in present Act.

(2) Same as in present Act.

(3) Same as in present Act.

(4) Sets a definite time limit for commencement of action.

Section 26. At present Commission has power to confer with any Committee appointed by any Organization of Real Estate Boards of any locality, to act as an Advisory Board in respect of matters arising within such locality. The new amendment extends the powers of the Commission to confer with any Committee.

Section 27. Same as in present Act.

Rev. Stat.,  
c. 107.

under Part III only, the evidence of a witness may be used against him notwithstanding anything in *The Evidence Act* contained. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

Commission  
not *persona*  
*designata*.

**28.** The Commission or its representative shall in all proceedings under this Act or the regulations be deemed to be acting as the representative of His Majesty in the right of the Province of Ontario, and not as *persona designata*. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

No action,  
etc., against  
persons  
administer-  
ing this Act.

**29.** No action whatever, and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is the Commission or its representative, or the Registrar, or where such person or company was proceeding under the written or verbal direction or consent of any one of them, or under an order of the Supreme Court or a judge thereof made under the provisions of this Act. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

Collection  
of costs of  
investi-  
gation.

**30.** Where in consequence of an investigation under Part III of this Act, any person or company has been,—

- (a) convicted of a criminal offence; or
- (b) convicted of an offence against any provision of this Act or the regulations; or
- (c) examined and documents, records, properties or matters have been examined by an accountant or other expert appointed by the Commission,

the Commission may certify in writing as to the costs of the investigation and shall be entitled to take such proceedings as are available to a judgment creditor for the collection from such person or company of the sum set forth in such certificate, which sum shall be a debt to His Majesty in right of the Province of Ontario. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

Regulations.

**31.** The Lieutenant-Governor in Council may make, and from time to time amend, alter or repeal, regulations not inconsistent with this Act,—

- (a) for the regulation of trading in real estate and of the records relating thereto;
- (b) for the furnishing of information by real estate brokers or salesmen to the public;

Section 28. Same as in present Act.

Section 29. Same as in present Act.

Section 30. Same as in present Act.

Section 31. Same as in present Act.



- (c) for the preparation and filing of financial statements of real estate brokers;
- (d) for defining offences against this Act or the regulations and imposing penalties therefor;
- (e) for the better carrying out of the provisions of this Act and for the more efficient administration thereof;
- (f) for any other purpose elsewhere indicated in this Act;

and all such regulations and any amendment, alteration or repeal thereof shall become effective in all respects as if enacted in this Act upon the publication thereof in the *Ontario Gazette*. 1930, c. 40, s. 8.

Execution of warrant issued in another province.

**32.**—(1) Where a police magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of *The Real Estate Brokers Act, 1935*, or any similar statute of that province, any police magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the hand-writing of the police magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all police constables within the territorial jurisdiction of the police magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario.

Prisoner in transit.

(2) Any police constable of Ontario or of any other province of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed in pursuance of subsection 1 hereof shall be entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. 1930, c. 40, s. 5; 1933, c. 59, s. 34 (3).

Expenses.

Rev. Stat., c. 25.

**33.** Section 17 of *The Audit Act* shall apply in respect of any legislative appropriation for the administration of this Act. 1930, c. 40, s. 10.

1930, c. 40, and 1933, c. 59, s. 34, repealed.

**34.** *The Real Estate Brokers Act, 1930*, being chapter 40 of the Statutes of Ontario, 1930, and section 34 of *The Statute Law Amendment Act, 1933*, are hereby repealed.

Commencement of Act.

**35.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 32. Same as in present Act.

Section 33. Same as in present Act.

Section 34. Repeal section.

Section 35. When Act takes effect.

Schedules 1, 2 and 3 are the same as required under the present Act.



# SCHEDULE I

PROVINCE OF ONTARIO

THE ONTARIO SECURITIES COMMISSION

THE REAL ESTATE BROKERS ACT, 1935

\$500.00 BOND

KNOW ALL MEN BY THESE PRESENTS that I/We.....

.....  
.....of.....  
.....

(hereinafter called "the Obligor") is/am/are (in the case of a partnership, jointly and severally) held and firmly bound unto His Majesty the King in the right of the Province of Ontario (hereinafter called "the Obligee") in the penal sum of Five Hundred Dollars to be paid to the Obligee, for which payment well and truly to be made, I, the Obligor, bind myself, my heirs, executors and administrators (in the case of a partnership, we, the Obligor, bind ourselves, our and each of our heirs, executors and administrators) (in the case of a company, the Obligor binds itself and its successors), firmly by these presents.

SEALED with my/our seal(s) and dated this                      day of                      193 .

(In the case of a company, SEALED with the Seal of the Obligor, and dated this                      day of                      193 .)

WHEREAS the Obligor has made application for registration as a broker, pursuant to the provisions of *The Real Estate Brokers Act, 1935*, and is required by the said Act to deliver a bond in the sum of Five Hundred Dollars for the purposes referred to in the said Act, in respect of the conduct of the Obligor; AND WHEREAS by the above written obligation the Obligor has entered into a bond accordingly.

NOW THE CONDITION of the above written obligation, so entered into in respect of the conduct of the Obligor, is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under any provision of the said Act, then the said obligation shall be void, but otherwise shall be and remain in full force and virtue and shall be subject to forfeiture as provided by the said Act.

SIGNED, SEALED AND DELIVERED }  
(In the case of a company, THE }  
SEAL OF THE SAID COMPANY WAS }  
HEREUNTO AFFIXED) in the presence }  
of }  
..... }  
..... }

Place seal(s) of Obligor opposite signature(s).

## INSTRUCTIONS:

- (1) Insert the full name of the person, partnership or company making the bond, and, if a partnership, also the full names of the partners.
- (2) The full business address of a person or partnership must be stated, and, if a company, the address of its head office.
- (3) Alter the form accordingly as the Obligor is an individual, partnership or company.
- (4) Place seals and signatures at foot of bond only.



## SCHEDULE II

## PROVINCE OF ONTARIO

## THE REAL ESTATE BROKERS ACT, 1935

(Insert name and full  
address of Obligor).

KNOW ALL MEN BY THESE PRESENTS that.....  
.....  
(hereinafter called "the Obligor") is held and firmly bound unto His Majesty the King in the right of the Province of Ontario, in the penal sum of..... Dollars to be paid to His said Majesty, his heirs, successors and assigns, for which payment well and truly to be made, the Obligor binds itself and its successors, or himself, his heirs, executors and administrators firmly by these presents.

SEALED with the Seal of the Obligor, and dated this ..... day  
of ..... 193 .....

(Strike out what  
does not apply)

WHEREAS.....  
..... in the Province of Ontario has made application for registration or (is registered) as a (real estate broker) or (salesman) pursuant to the provisions of *The Real Estate Brokers Act, 1935*, and has been required pursuant to the said Act to deliver a surety bond in the sum of..... Dollars for the purposes referred to in the said Act, in respect of the conduct of the said.....  
.....

AND WHEREAS by the above-written obligation the Obligor has at the request of the said.....  
entered into a bond accordingly.

NOW, THE CONDITION of the above-written obligation, so entered into in respect of the conduct of the said.....  
is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under any of the provisions of the said Act, then the said obligation shall be void, but otherwise shall be and remain in full force and virtue, and shall be subject to forfeiture as provided by the said Act.

PROVIDED that if the Obligor at any time gives two calendar months' notice in writing to the Registrar of Real Estate Brokers of intention to terminate the obligation hereby undertaken, then this obligation and all liability on the part of the Obligor hereunder shall cease and determine in respect only of any act, matter or thing taking place, arising or done subsequent to the date named in the notice of the termination of the obligation hereby undertaken, but shall remain in full force and effect in respect of all acts, matters and things taking place, arising or done from the date hereof to the date of such termination, and brought to the attention of the Registrar within one year from the date of such termination.

SIGNED, SEALED AND DELIVERED

(In the case of a company, THE  
SEAL OF THE COMPANY WAS HERE-  
UNTO AFFIXED).

In the presence of

## INSTRUCTIONS:

- (1) Alter the form according as the Obligor is an individual or company.
- (2) Blank space to right at the foot is for seal of Obligor and signature of individual, and blank space to left at the foot is for signature of witness to execution by individual, and for signatures of proper officers of company.



## SCHEDULE III

## ENDORSEMENT REQUIRED UNDER SECTION 32

Province of Ontario, }  
 County of }

WHEREAS satisfactory proof has this day been made before me that the name of *J.S.* to the within warrant subscribed, is of the handwriting of the Justice within mentioned, I do therefore hereby authorize *X.Y.* who brings to me this warrant and all other persons to whom this warrant was originally directed, and all police constables within my territorial jurisdiction, to execute the said warrant within my territorial jurisdiction, and to take the person named in the warrant before *J.S.* the justice within mentioned.

Given under my hand, this.....day of.....in the year 19...

*Magistrate, or Justice of the Peace  
 of the Province of Ontario.*





BILL

An Act for the Registration of Real Estate  
Brokers and Salesmen.

---

*1st Reading*

March 5th, 1935

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

---

No. 60

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

**An Act for the Registration of Real Estate Brokers and Salesmen.**

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 60

1935

# BILL

An Act for the Registration of Real Estate Brokers and Salesmen.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

Short title.

**1.** This Act may be cited as *The Real Estate Brokers Act, 1935*.

Interpretation.

**2.** In this Act,—

"Commission."

(a) "Commission" shall mean the Ontario Securities Commission; 1933, c. 59, s. 34 (1).

"Company."

(b) "Company" shall mean any incorporated corporation, association, or other organization; 1930, c. 40, s. 2 (a).

"Fraud."

(c) "Fraud," "fraudulent" and "fraudulent act" shall in addition to their ordinary meaning, include:

(i) any intentional misrepresentation by word, conduct or in any manner of any material fact either present or past, and any intentional omission to disclose any such fact;

(ii) any promise or representation as to the future which is beyond reasonable expectation and not made in good faith; *See* 1930, c. 39, s. 2 (c), subcls. (i) (ii) and 1930, c. 40, s. 7.

(iii) the failure, within a reasonable time, to account for or pay over to the person entitled thereto, any moneys received in respect of a trade in real estate;

(iv) acting as a broker or salesman for more than one party in respect of a trade in real estate; without the knowledge of all other parties  
*New.*

- (v) any course of conduct or business which is calculated or put forward with intent to deceive the public or the purchaser or the vendor of any real estate as to the nature of any transaction or as to the value of such real estate;
- (vi) the making of any material false statement in any application, information, material or evidence submitted or given to the Commission, its representative or the Registrar under the provisions of this Act or the regulations;
- (vii) the violation of any provision of this Act or of the regulations relating to trading in real estate;
- (viii) generally any artifice, agreement, device or scheme, course of conduct or business to obtain money, profit or property by any of the means hereinbefore set forth or otherwise contrary to law and anything specifically designated in the regulations as coming within the meaning of this definition; *See* 1930, c. 39, s. 2, cl. (c), subcls. (v)-(viii) and 1930, c. 40, s. 7.
- (b) "Official" shall include the president, vice-president; "Official." secretary, treasurer, managing director, general manager, department and branch office managers, and all other persons acting in a similar capacity whether so designated or not; *New*.
- (e) "Person" shall mean an individual, partnership, "Person." association, syndicate and any unincorporated organization; 1930, c. 40, s. 2 (c).
- (f) "Prescribed" shall mean prescribed by this Act or the "Prescribed." regulations; *New*.
- (g) "Real estate" shall include real property and lease-<sup>"Real Estate."</sup>hold;
- (h) "Real estate broker" shall mean every person or "Real Estate broker." company trading in real estate for whole or part time, for another or others, and for compensation, gain or profit or hope or promise thereof, alone or through one or more officials or salesmen, and every person or company in any way holding himself or itself out as such, and shall include such officials of a company as may be prescribed;

- "Registrar." (i) "Registrar" shall mean the person appointed by the Lieutenant-Governor in Council to act as Registrar of the Commission under the provisions of this Act and the regulations;
- "Regulations." (j) "Regulations" shall mean the regulations made from time to time by the Lieutenant-Governor in Council under the provisions of this Act;
- "Salesman." (k) "Salesman" shall mean every person employed, appointed or authorized by any real estate broker to trade in real estate whether directly or through sub-agents, and shall include sub-agents;
- "Trade." (l) "Trade" or "trading" shall include any disposition of, transaction in, offer or attempt to dispose of real estate by sale, agreement of sale, exchange, purchase, option, lease, rental or otherwise, and any act, advertisement, conduct or negotiation directly or indirectly in furtherance of any of the foregoing, or specifically designated as "trade" or "trading" in the regulations. 1930, c. 40, s. 2 (*d-i*).

## PART I.

### REGISTRATION

Agents,  
officials,  
and  
salesmen  
register.

#### 3.—(1) No person shall,—

- (a) trade in real estate unless he is registered as a real estate broker or salesman of a registered real estate broker;
- (b) act as an official of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate broker, unless he or the partnership or company is registered as a real estate broker;
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company as a real estate broker unless he is registered as a salesman of a partnership or company which is registered as a broker;

and such registrations have been made in accordance with the provisions of this Act and the regulations, and any violation of this section shall constitute an offence. 1930, c. 40, s. 3 (1).



(2) With the approval of the Commission, any partnership or company may be registered as a real estate broker whereupon the partnership or company may trade in real estate, and the members and officials of the partnership, and the officials of the company may act as such without separate registration, and the provisions of this Act and of the regulations relating to registered persons or companies, shall be deemed to apply to such partnership or company. 1930, c. 40, s. 3 (2); 1933, c. 59, s. 34 (2).

Partnership  
or company  
may be  
registered.

(3) No person who becomes a member or official of a partnership or an official of a company, after the partnership or company has been registered under subsection 2 shall trade in real estate until the partnership or company has received from the Registrar written permission for such person so to trade.

New  
officials  
must be  
approved.

4. Registration shall not be required in respect of any trades in real estate by,—

Exemptions.

(a) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act*, *The Companies Act*, *The Judicature Act*, the *Winding-up Act*, or to any person acting under the order of any court, or any executor or trustee selling under the terms of any will, marriage settlement or deed of trust; 1930, c. 40, s. 4 (a).

Judicial  
sales.

R.S.C., c. 11,  
Rev. Stat.,  
cc. 218, 88,  
R.S.C.,  
c. 213.

(b) an isolated trade in real estate by or on behalf of the owner, for the owner's account, where such trade is not made in the course of continued and successive transactions of a like character, and is not made by a person whose usual business is trading in real estate;

Isolated  
transactions.

*New.*

(c) any bank, or any loan, trust or insurance company trading in real estate owned or administered by such company; 1930, c. 40, s. 4 (c) *amended*.

Trades by  
banks, etc.,  
in certain  
cases.

(d) any person in respect of any mine or mining property within the meaning of *The Mining Act* and in respect of the real estate comprised in any Crown grant or lease of a mining claim or mineral lands under *The Mining Act* or any Act for which the same is substituted; 1930, c. 40, s. 4 (d).

Mining  
property.

Rev. Stat.,  
c. 45.

(e) any person who carries on business as a solicitor of the Supreme Court when the trade is on a client's account; *New*.

Solicitor.

(f) any class of trades in real estate, or of real estate brokers or salesmen specifically exempted by the regulations. 1930, c. 40, s. 4 (f).

Trades  
exempted  
by regu-  
lations.



Application  
to be upon  
forms with  
proper fees  
and bonds.

5.—(1) Every application under this Act or the regulations shall be made in writing upon the forms provided by the Registrar, and shall be accompanied by the prescribed fee and such bond as may be required.

Address for  
service.

(2) Every applicant, whether domiciled in Ontario or not, shall state in every application an address for service in Ontario, and all notices under this Act or the regulations and all legal process issued by or on behalf of any person or company shall be sufficiently served for all purposes if posted by registered mail to the applicant at the latest address for service so stated, and in the case of a non-registered company where the officials are registered to the latest address of the person registered as the senior official of such company in Ontario.

Further  
information.

(3) The Registrar may from time to time and shall when so directed by the Commission require any further information or material to be submitted by any applicant or any registered person or company within a specified time limit and may require verification by affidavit or otherwise of any matter then or previously submitted. *See* 1930, c. 39, s. 6 and 1933, c. 59, s. 34 (3).

\$500 bond  
by every  
applicant  
for  
registration  
as a broker.

6.—(1) Every applicant for registration as a broker shall before registration deliver a bond by the applicant or the person or company he represents as the Registrar may require, such bond to be in the sum of \$500 and in such form and upon such condition as shall be prescribed.

Bond by a  
surety  
company  
if required.

(2) The Registrar may and when so directed by the Commission shall require any applicant or any registered person or company within a specified time limit to deliver a bond by a surety company approved by the Commission or any other bond in such form and upon such condition as shall be prescribed and in such amount as the regulations or the Commission shall require.

New bond.

(3) The Registrar may and when so directed by the Commission shall require a new or an additional bond of the kind mentioned in subsection 1 or 2 to be filed within a specified time limit. *See* 1930, c. 39, s. 7 and 1933, c. 59, s. 34 (3).

Registration.

7. Unless the Commission otherwise directs, the Registrar may, if it appears that the application should be granted, issue a registration certificate, in such form as may be prescribed by the Registrar, whereupon the applicant shall be deemed to be registered as a broker or salesman as the case may be. *New.*

Registration  
certificate.

Expiration  
and  
renewal of  
registration

8. Registrations shall expire on the 31st day of March in each year and every registered broker or salesman shall apply for renewal of registration on or before the 21st day of March,

giving full particulars of any change in the facts set forth in the latest application form on record, and enclosing the proper fee as upon a first application. *New.*

9.—(1) The Commission may order that,—

Orders  
concerning  
applications.

- (a) any application for registration, renewal, or change of registration shall or shall not be granted for any reason which it may deem sufficient; or that
- (b) the registration of any broker or salesman shall be suspended or cancelled for any reason which it may deem sufficient,

Suspension  
or cancel-  
lation by  
order of  
Commission.

and no order of the Commission shall be subject to review in any way in any Court.

(2) Notwithstanding any order of the Commission a further application may be made upon new or other material, or where it is clear that material circumstances have changed. *See* 1930, c. 39, s. 9 (1), (3) and 1933, c. 59, s. 34 (3).

Further  
application.

## PART II.

### FEES.

10. The following fees shall be paid to the Registrar:

Fees.

- (1) Fee for registration of a real estate broker who carries on business in a city or within five miles from the boundaries of a city having a population of 100,000.....\$15.00
- (2) Fee for registration of a real estate broker who carries on business other than in (1)..... 5.00
- (3) Fee for registration of a salesman..... 3.00
- (4) Fee when salesman notifies the Registrar of change of employer..... 1.00
- (5) Fee for renewal of registration; same fee as upon a first application.
- (6) Alteration fee for every material change in registration..... 1.00

*New.*

11. The Registrar shall cause all cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario and the same shall form part of the Consolidated Revenue Fund. *New.*

Disposition  
of fees.

Refunds.

**12.** The Registrar shall where any application is refused make a refund to the applicant of the amount of the fee which accompanied the application, and in any other cases may make such proportionate refunds as seem fair and reasonable. *New.*

### PART III.

#### INVESTIGATION AND ACTION BY THE COMMISSION.

Investigation by  
Commission.

**13.—(1)** The Commission, or any person or persons to whom as its representative or representatives it may in writing delegate such authority, may examine any person, company, property or thing whatsoever at any time in order to ascertain whether any fraudulent act, or any offence against this Act or the regulations has been, is being, or is about to be committed, and for such purpose shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil cases, save that the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply and save further that no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby and no evidence given shall be privileged except under *The Evidence Act* and the *Canada Evidence Act*, and save further that no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operation of this section.

Rev. Stat.,  
c. 107;  
R.S.C. c. 59.

Appointment  
of  
accountants  
and other  
experts.

**(2)** When the Commission or its representative is about to examine or is examining any person or company under this section, the Commission may appoint an accountant or other expert to examine documents, records, properties and matters and report thereon to it.

Failure  
to give  
information,  
etc., an  
offence  
and also  
*prima facie*  
evidence.

**(3)** The failure without reasonable excuse of any person or company to furnish information required by the Registrar under Part I within the time limited, or the failure without reasonable excuse of any person summoned for examination under subsection 1 to appear or his refusal to give evidence or to answer any question where the evidence or answer could be required in an action or the failure without reasonable excuse or refusal of any person or company to produce anything shall constitute an offence and shall also be *prima facie* evidence upon which,—



- (a) the Commission or its representative may base an affirmative finding concerning any fraudulent act to which it may deem it relevant, or
- (b) a police magistrate may base a conviction for an offence against this Act or the regulations.

(4) Disclosure by any person other than the Commission, its representative or the Registrar, without the consent of any one of them, of any information or evidence obtained or the name of any witness examined or sought to be examined under subsection 1 shall constitute an offence. *See* 1930, c. 39, s. 10 and 1933, c. 59, s. 34 (3). Evidence not to be disclosed.

14.—(1) The Commission may,—

- (a) when it is about to examine or during or after the examination of any person or company under the provisions of section 13, or
- (b) where criminal proceedings which in its opinion are connected with or arise out of any trade in real estate, or out of any business conducted by the accused are about to be or have been instituted against any person,

Commission may order funds, etc., to be held.

in writing or by telegram direct any person or company having in Ontario on deposit or under control or for safe keeping any funds or securities of the person or company so to be or actually examined, or charged, to hold such funds or securities or direct the person or company so to be or actually examined or charged to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safekeeping, or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or the *Winding-up Act*, or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, and failure without reasonable excuse by any person or company to comply with any such direction shall constitute an offence, provided that in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction. "Proviso."

(2) Any person or company in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person or company not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such fund or security and may make such order as to costs as may seem just. Application for direction.

Notice to  
Registrars  
of Deeds or  
Masters  
of Titles.

(3) In any of the circumstances mentioned in clauses *a* or *b* of subsection 1, the Commission may in writing or by telegram notify any Registrar of Deeds or Master of Titles or any Local Master of Titles that proceedings are being or are about to be taken which may affect land belonging to the person or company referred to in the said notice which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens*, save that the Commission may in writing revoke or modify such notice. See 1930, c. 39, s. 13 and 1933, c. 59, s. 34 (3).

## PART IV.

### FORFEITURES AND OFFENCES.

Forfeiture  
of bonds.

**15.**—(1) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when the broker or salesman in respect of whose conduct the bond is conditioned, or any official of the broker has, in connection with a trade in real estate been,—

\$500 bond.

(a) in the case of the bond mentioned in subsection 1 of section 6

(i) charged with any criminal offence, or,

(ii) found upon investigation by the Commission or its representative to have committed a fraudulent act; or

Bond by  
surety  
company.

(b) in the case of the bond mentioned in subsection 2 of section 6

(i) convicted of a criminal offence, or

(ii) convicted of an offence against any provision of this Act or the regulations, or

(iii) a party to civil proceedings in the courts as a result of which final judgment has been given against such person, company or official in connection with a trade in real estate where such judgment is based upon a finding of fraud.

Forfeiture  
upon bank-  
ruptcy or  
winding up  
proceedings.

(2) Any bond mentioned in section 6 shall be forfeit and the sum named therein shall become due and owing by the

person or company bound thereby as a debt to His Majesty in right of the Province of Ontario when proceedings by or in respect of the broker or salesman in respect of whose conduct the bond is conditioned have been taken under the *Bankruptcy Act* or by way of winding up.

(3) The Commission may assign any bond forfeited under the provisions of subsection 1 or 2, or may pay over any moneys recovered thereunder to any person, or to the accountant of the Supreme Court in trust for such persons and companies as may become judgment creditors of the person or company bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person or company as the case may be, such assignment or payment over to be in accordance with and upon conditions set forth in the regulations or in any special order of the Lieutenant-Governor in Council.

(4) The Commission whenever His Majesty becomes a creditor of any person or company in respect of a debt to the Crown arising from the provisions of sections 5, 6 and 15, may take such proceedings as it shall see fit under the *Bankruptcy Act*, *The Judicature Act*, *The Companies Act* or the *Winding-up Act* for the appointment of an interim receiver, custodian, trustee, receiver or liquidator as the case may be. See 1930, c. 39 s. 8 and 1933, c. 59, s. 34 (3).

**16.** Every registered real estate broker shall keep proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade the nature of the trade and,—

- (a) a description of the parcel of real estate involved sufficient to identify it;
- (b) the true consideration for the trade;
- (c) the names of all parties to the trade; and
- (d) the amount of his commission and the party paying it;

and failure, without reasonable excuse, to comply with the provisions of this section shall constitute an offence. *New.*

**17.** Every registered real estate broker shall, as the Registrar may require, file a certificate satisfactory to the Registrar as to the financial position of the broker, signed by the broker or by two of the partners or officials thereunder and by an independent accountant, and failure without reasonable excuse to comply with the provisions of this section or the requirements of the Registrar thereunder shall constitute an offence. *New.*



Certificate  
of registra-  
tion must be  
displayed  
by brokers.

**18.** Every broker shall keep the registration certificate displayed in a conspicuous place at the office of such broker. Any violation of this section without reasonable excuse shall constitute an offence. *New.*

Commission  
not recover-  
able if not  
registered.

**19.** No action shall be brought for commission or other remuneration for services as an agent in connection with a trade in real estate unless at the time of rendering such services the person or company bringing such action was registered or exempt from registration under this Act, and the court may stay any such action at any time upon summary application. 1930, c. 40, s. 9.

Promises  
to resell  
or list  
forbidden.

**20.** No real estate broker or salesman shall make any representation that he or any other person or any company will resell, or guarantee in any way to resell any real estate offered for sale by such broker or salesman, unless the maker of the representation at the time of making it, delivers to the person to whom the representation is made a letter, or photo-static copy thereof, from the real estate broker setting forth such representations in clear language, and any violation of this section shall constitute an offence. *New.*

Salesman's  
change of  
employer.

**21.** The registration of a salesman shall be suspended upon the termination of his employment with a registered real estate broker, of which termination both the employer and salesman shall at once notify the Registrar in writing and such suspension shall continue until another registered real estate broker has, in writing, notified the Registrar that the salesman is in his employ. *New.*

Changes in  
registration.

**22.—(1)** Every registered real estate broker shall in writing notify the Registrar of

- (a) any change in the address for service;
- (b) any change in the officials or members in the case of a company or partnership; or
- (c) the commencement and termination of employment of every salesman.

(2) Every registered salesman shall, in writing, notify the Registrar of

- (a) any change in his address for service;
- (b) each commencement and termination of his employment by a registered real estate broker.

(3) Failure to comply with the provisions of this section shall constitute an offence. *New.*

**23.** Any salesman who trades in real estate on behalf of any real estate broker other than his employer, without the consent of the latter, confirmed in writing, shall be guilty of an offence. *New.* Salesman trading for other brokers.

**24.** Any person who commits a fraudulent act as defined by clause *c* of section 2 shall be guilty of an offence. *New.* Fraudulent acts an offence.

**25.**—(1) Every person, including any officer, director, official, or employee of a company, who is knowingly responsible for the violation of any provision of this Act or of the regulations designated as an offence, shall be liable upon conviction thereof under *The Summary Convictions Act* to a penalty of not more than \$1,000 for a first offence, nor \$2,000 for a second or subsequent offence, and in case of either a first or a subsequent offence either in default of payment of any penalty imposed, or in addition to such penalty, to imprisonment for a term not exceeding six months. Penalties. Rev. Stat., c. 36 (Dom.), Rev. Stat., c. 121.

(2) The provisions of subsection 1 shall be deemed to apply *mutatis mutandis*, to any company save that the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000. Companies.

(3) No proceedings under this section shall be instituted except with the consent or under the direction of the Commission. *See* 1933, c. 59, ss. 33, 34 (3). Consent of Commission before action.

(4) No proceedings under this section shall be instituted except within two years after the offence is committed. *New.* Time for commencement of action.

## PART V.

### GENERAL PROVISIONS.

**26.** The Commission or the Registrar may, in respect of any matter of registration or investigation, confer with any committee appointed by any organization of real estate brokers to act as an Advisory Board. 1930, c. 40, s. 6 *amended.* Consultation with Advisory Board.

**27.** Any evidence or exhibit obtained by the Commission, or its representative or the Registrar under the provisions of this Act, or the regulations, or copies thereof, or statement that a person or company is or is not registered or other data concerning registration purporting to be certified by the Commission or the Registrar without proof of the office or signature of the person certifying, shall, so far as relevant, be receivable in evidence for all purposes in any action, proceeding or prosecution. *See* 1930, c. 39, s. 33 and 1933, c. 59, s. 34 (3). Evidence.

Commission  
not *persona*  
*designata*

**28.** The Commission or its representative shall in all proceedings under this Act or the regulations be deemed to be acting as the representative of His Majesty in the right of the Province of Ontario, and not as *persona designata*. See 1930, c. 39, s. 29 (2) and 1933, c. 59, s. 34 (3).

No action,  
etc., against  
persons  
administer-  
ing this Act.

**29.** No action whatever, and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity or against any company in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is the Commission or its representative, or the Registrar, or where such person or company was proceeding under the written or verbal direction or consent of any one of them, or under an order of the Supreme Court or a judge thereof made under the provisions of this Act. See 1930, c. 39, s. 30 and 1933, c. 59, s. 34 (3).

Collection  
of costs of  
investi-  
gation.

**30.** Where in consequence of an investigation under Part III of this Act, any person or company has been,—

- (a) convicted of a criminal offence; or
- (b) convicted of an offence against any provision of this Act or the regulations; or
- (c) examined and documents, records, properties or matters have been examined by an accountant or other expert appointed by the Commission,

the Commission may certify in writing as to the costs of the investigation and shall be entitled to take such proceedings as are available to a judgment creditor for the collection from such person or company of the sum set forth in such certificate, which sum shall be a debt to His Majesty in right of the Province of Ontario. See 1930, c. 39, s. 34 and 1933, c. 59, s. 34 (3).

Regulations.

**31.** The Lieutenant-Governor in Council may make, and from time to time amend, alter or repeal regulations not inconsistent with this Act,—

- (a) for the regulation of trading in real estate and of the records relating thereto;
- (b) for the furnishing of information by real estate brokers or salesmen to the public;
- (c) for the preparation and filing of financial statements of real estate brokers;



- (d) for defining offences against this Act or the regulations and imposing penalties therefor;
- (e) for the better carrying out of the provisions of this Act and for the more efficient administration thereof;
- (f) for any other purpose elsewhere indicated in this Act;

and all such regulations and any amendment, alteration or repeal thereof shall become effective in all respects as if enacted in this Act upon the publication thereof in the *Ontario Gazette*. 1930, c. 40, s. 8.

**32.**—(1) Where a police magistrate or justice of another province issues a warrant for the arrest of any person on a charge of violating any provision of *The Real Estate Brokers Act, 1935*, or any similar statute of that province, any police magistrate or justice of Ontario within whose jurisdiction that person is or is suspected to be may upon satisfactory proof of the hand-writing of the police magistrate or justice who issues the warrant make an endorsement thereon in the form prescribed, and a warrant so endorsed shall be sufficient authority to the person bringing the warrant and to all other persons to whom it was originally directed and to all police constables within the territorial jurisdiction of the police magistrate or justice so endorsing the warrant to execute it within that jurisdiction and to take the person arrested thereunder either out of or anywhere in Ontario and to rearrest such person anywhere in Ontario.

Execution of warrant issued in another province.

(2) Any police constable of Ontario or of any other provinces of Canada who is passing through Ontario having in his custody a person arrested in another province under a warrant endorsed in pursuance of subsection 1 hereof shall be entitled to hold, take and rearrest the accused anywhere in Ontario under such warrant without proof of the warrant or the endorsement thereof. See 1930, c. 39, s. 35 and 1933, c. 59, s. 34 (3).

Prisoner in transit.

**33.** Section 17 of *The Audit Act* shall apply in respect of any legislative appropriation for the administration of this Act. 1930, c. 40, s. 10.

Expenses. Rev. Stat., c. 25.

**34.** *The Real Estate Brokers Act, 1930*, being chapter 40 of the Statutes of Ontario, 1930, and section 34 of *The Statute Law Amendment Act, 1933*, are hereby repealed.

1930, c. 40, and 1933, c. 59, s. 34, repealed.

**35.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

## SCHEDULE I

PROVINCE OF ONTARIO

THE ONTARIO SECURITIES COMMISSION

THE REAL ESTATE BROKERS ACT, 1935

\$500.00 BOND

KNOW ALL MEN BY THESE PRESENTS that I/We.....

.....  
.....of.....  
.....

(hereinafter called "the Obligor") is/am/are (in the case of a partnership, jointly and severally) held and firmly bound unto His Majesty the King in the right of the Province of Ontario (hereinafter called "the Oblige") in the penal sum of Five Hundred Dollars to be paid to the Oblige, for which payment well and truly to be made, I, the Obligor, bind myself, my heirs, executors and administrators (in the case of a partnership, we, the Obligor, bind ourselves, our and each of our heirs, executors and administrators) (in the case of a company, the Obligor binds itself and its successors), firmly by these presents.

SEALED with my/our seal(s) and dated this            day of            193 .

(In the case of a company, SEALED with the Seal of the Obligor, and dated this            day of            193 .)

WHEREAS the Obligor has made application for registration as a broker, pursuant to the provisions of *The Real Estate Brokers Act, 1935*, and is required by the said Act to deliver a bond in the sum of Five Hundred Dollars for the purposes referred to in the said Act, in respect of the conduct of the Obligor; AND WHEREAS by the above written obligation the Obligor has entered into a bond accordingly.

NOW THE CONDITION of the above written obligation, so entered into in respect of the conduct of the Obligor, is such that if the said obligation does not by reason of any act, matter or thing at any time hereafter become or be forfeit under any provision of the said Act, then the said obligation shall be void, but otherwise shall be and remain in full force and virtue and shall be subject to forfeiture as provided by the said Act.

SIGNED, SEALED AND DELIVERED	}	
(In the case of a company, THE		.....
SEAL OF THE SAID COMPANY WAS		.....
HEREUNTO AFFIXED) in the presence		.....
of		.....
.....	}	.....
.....		.....

Place seal(s) of Obligor opposite signature(s).

## INSTRUCTIONS:

- (1) Insert the full name of the person, partnership or company making the bond, and, if a partnership, also the full names of the partners.
- (2) The full business address of a person or partnership must be stated, and, if a company, the address of its head office.
- (3) Alter the form accordingly as the Obligor is an individual, partnership or company.
- (4) Place seals and signatures at foot of bond only.

# SCHEDULE II

PROVINCE OF ONTARIO

## THE REAL ESTATE BROKERS ACT, 1935

(Insert name and full  
address of Obligor).

KNOW ALL MEN BY THESE PRESENTS that.....  
(hereinafter called "the Obligor") is held and firmly bound unto His  
Majesty the King in the right of the Province of Ontario, in the penal  
sum of.....Dollars to be paid to  
His said Majesty, his heirs, successors and assigns, for which payment  
well and truly to be made, the Obligor binds itself and its successors, or  
himself, his heirs, executors and administrators firmly by these presents.

SEALED with the Seal of the Obligor, and dated this ..... day  
of ..... 193 ..

(Strike out what  
does not apply)

WHEREAS.....  
of.....in the Province of  
Ontario has made application for registration or (is registered) as a (real  
estate broker) or (salesman) pursuant to the provisions of *The Real Estate  
Brokers Act, 1935*, and has been required pursuant to the said Act to  
deliver a surety bond in the sum of.....Dollars  
for the purposes referred to in the said Act, in respect of the conduct of  
the said.....

AND WHEREAS by the above-written obligation the Obligor has at the  
request of the said.....  
entered into a bond accordingly.

NOW, THE CONDITION of the above-written obligation, so entered into  
in respect of the conduct of the said.....  
is such that if the said obligation does not by reason of any act, matter  
or thing at any time hereafter become or be forfeit under any of the pro-  
visions of the said Act, then the said obligation shall be void, but otherwise  
shall be and remain in full force and virtue, and shall be subject to  
forfeiture as provided by the said Act.

PROVIDED that if the Obligor at any time gives two calendar months'  
notice in writing to the Registrar of Real Estate Brokers of intention to  
terminate the obligation hereby undertaken, then this obligation and all  
liability on the part of the Obligor hereunder shall cease and determine  
in respect only of any act, matter or thing taking place, arising or done  
subsequent to the date named in the notice of the termination of the  
obligation hereby undertaken, but shall remain in full force and effect  
in respect of all acts, matters and things taking place, arising or done  
from the date hereof to the date of such termination, and brought to the  
attention of the Registrar within one year from the date of such termination.

SIGNED, SEALED AND DELIVERED

(In the case of a company, THE  
SEAL OF THE COMPANY WAS HERE-  
UNTO AFFIXED).

In the presence of

### INSTRUCTIONS:

- (1) Alter the form according as the Obligor is an individual or company.
- (2) Blank space to right at the foot is for seal of Obligor and signature  
of individual, and blank space to left at the foot is for signature of witness  
to execution by individual, and for signatures of proper officers of company.



## SCHEDULE III

## ENDORSEMENT REQUIRED UNDER SECTION 32

Province of Ontario, }  
 County of }

WHEREAS satisfactory proof has this day been made before me that the name of J.S. to the within warrant subscribed, is of the handwriting of the Justice within mentioned, I do therefore hereby authorize X.Y. who brings to me this warrant and all other persons to whom this warrant was originally directed, and all police constables within my territorial jurisdiction, to execute the said warrant within my territorial jurisdiction, and to take the person named in the warrant before J.S. the justice within mentioned.

Given under my hand, this.....day of.....in the year 19...

*Magistrate, or Justice of the Peace  
 of the Province of Ontario.*



BILL

An Act for the Registration of Real Estate  
Brokers and Salesmen.

---

*1st Reading*

March 5th, 1935

*2nd Reading*

March 15th, 1935

*3rd Reading*

April 12th, 1935

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MR. ROEBUCK

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No. 61

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Municipal Act.

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MR. HUNTER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 429,  
para. 6,  
clause (d),  
amended.

1. Clause *d* of paragraph 6 of section 429 of *The Municipal Act* as enacted by section 12 of *The Municipal Amendment Act, 1929*, and as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1933*, is further amended by inserting therein after the words "fee to be paid" in the first line the words "by a transient trader," so that the said clause shall now read as follows:—

(*d*) Subject to the provisions of clause *dd* the fee to be paid by a transient trader for the license shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.

#### NOTE

Paragraphs 5 and 6 of Section 429 provide for licenses to transient traders and other persons whose names are not on the assessment roll in respect of income or business assessment.

By clause (d) the license fee shall not be less than \$100.

The purpose of this amendment is not to disturb the existing provisions as to amount of license fee applicable to transient traders but to remove such restriction so far as it applies to residents of the municipality commencing business, so that such residents, instead of being required to pay a fee of \$100 before commencing business, may be required to pay some lesser sum as may be fixed by the Council more commensurate with the amount of the business tax.



BILL

An Act to amend The Municipal Act.

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

MR. HUNTER

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Municipal Act.

---

MR. HUNTER

---

No. 62

1935

# BILL

An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233,  
s. 431a  
para. 1,  
amended.

1. Paragraph 1 of section 431a of *The Municipal Act* is amended by striking out all the words and figures after the word "dealer" in the third line, so that the said paragraph shall now read as follows:

Licensing,  
etc., coal and  
coke dealers.

1. For licensing, regulating and governing dealers in coal or coke and for revoking or suspending the license of any such dealer.

#### NOTE

Section 431a authorizes the licensing of dealers in coal or coke by the Commissioners of Police in cities of 100,000 population and by councils of other cities and of townships bordering on cities of 100,000 population. The section also authorizes the revoking or suspending of the license of a dealer who has been convicted of an offence against any provision of the by-law or of any by-law passed under paragraph 11 of section 400. Dealers are frequently convicted of selling short-weight not under the authority of paragraph 11 of section 400 but under a by-law regulating the weighing and measuring of coal and other fuel passed under paragraph 6 of section 400. The license can not now be cancelled for a breach of such by-law. This amendment will give authority to cancel or suspend the license of a dealer convicted for selling short-weight.

BILL

An Act to amend The Municipal Act.

---

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. HUNTER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
-25 GEORGE V, 1935

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# BILL

An Act to amend The Local Improvement Act.

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MR. GLASS

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# BILL

An Act to amend The Local Improvement Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 235, s. 2,  
subs. 1, cl. *p*,  
amended.

1. Clause *p* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out the words "although the lifetime of the existing pavement has not expired" in the fourth and fifth lines thereof, and by inserting in lieu thereof the words "whether or not the lifetime of the pavement has expired," so that the said clause shall now read as follows:

(*p*) Subject to the provisions of section 25 for resurfacing with asphalt or other suitable material, a pavement having a foundation which in the opinion of the engineer is sufficient therefor whether or not the lifetime of the pavement has expired. When any work undertaken under this clause is such as might entitle it to a provincial grant, the approval of the Department of Public Highways shall be first had and obtained with respect to the suitability of the foundation.

#### EXPLANATORY NOTE

Clause *p* of subsection 1 of section 2 of *The Local Improvement Act* at present authorizes resurfacing of a pavement as a local improvement work only when the lifetime of the pavement has not expired. This amendment would similarly allow such resurfacing instead of the construction of a new pavement when the lifetime of the pavement has expired but the foundation is still in good condition.

BILL

An Act to amend The Local Improvement  
Act.

---

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. GLASS

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Local Improvement Act.

---

MR. GLASS

---

No. 64

1935

# BILL

An Act to amend The Local Improvement Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 235, s. 2,  
subs. 1, cl. (g),  
amended.

1. Clause *g* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out the word "only" and by inserting in lieu thereof the words "or under the provisions of section 8" in the first line thereof, so that the said clause shall now read as follows:

(g) Widening on petition or under the provisions of section 8, a pavement on a street.

Rev. Stat.,  
c. 235,  
s. 8, subs. 1,  
amended.

2. Subsection 1 of section 8 of *The Local Improvement Act* is amended by inserting the words "or the widening of a pavement on a street" after the words "improving a street" in the seventh line thereof.

#### NOTES

At present a pavement can be widened as a local improvement only on petition of the abutting owners. As traffic conditions frequently make necessary the widening of pavements which the abutting owners do not require, this amendment of section 2 would allow such widening either on petition or with the approval of the Ontario Municipal Board under section 8.

The amendment to section 8 contained in section 2 of the Bill is to give the Municipal Board the necessary authority in respect to widenings of pavements.



BILL

An Act to amend The Local Improvement  
Act.

---

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

---

Mr. Glass

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Highway Traffic Act.

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MR. STRACHAN

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No. 65

1935

# BILL

## An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1935*.

Rev. Stat.,  
c. 251, s. 13,  
subs. 3,  
amended.

2. Subsection 3 of section 13 of *The Highway Traffic Act* is amended by adding the words "bicycle and tricycle" after the words "motor vehicle" in the first line thereof, so that the said subsection shall now read as follows:

Alarm bell  
to be  
sounded at  
crossings,  
etc.

(3) Every motor vehicle, bicycle and tricycle shall be equipped with an alarm bell, gong or horn, and the same shall be kept in good working order and sounded whenever it shall be reasonably necessary to notify pedestrians or others of its approach.

Commence-  
ment of  
Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The object of the amendment is to extend the provisions of subsection 3 to cover bicycles and tricycles.

BILL

An Act to amend The Highway Traffic Act.

---

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. STRACHAN

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Highway Traffic Act.

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MR. STRACHAN

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# BILL

An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Highway Traffic Amendment Act, 1935*.

Rev. Stat.,  
c. 251, s. 13,  
subs. 3,  
amended.

**2.** Subsection 3 of section 13 of *The Highway Traffic Act* is amended by inserting after the words "motor vehicle" in the first line the words "bicycle and tricycle" so that the said subsection shall now read as follows:

Alarm bell  
to be  
sounded at  
crossings,  
etc.

(3) Every motor vehicle, bicycle and tricycle shall be equipped with an alarm bell, gong or horn, and the same shall be kept in good working order and sounded whenever it shall be reasonably necessary to notify pedestrians or others of its approach.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Highway Traffic Act.

---

*1st Reading*

March 8th, 1935

*2nd Reading*

March 11th, 1935

*3rd Reading*

April 17th, 1935

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MR. STRACHAN

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Assessment Act.

---

MR. STRACHAN

---

No. 66

1935

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 9,  
subs. 1,  
clause 1 and  
subs. 5,  
repealed.

1. Clause 1 of subsection 1 and subsection 5 of section 9 of *The Assessment Act* are hereby repealed.

#### EXPLANATORY NOTE

The object of this amendment is to render car parking lots liable to business assessment at 25 per cent. of the assessed value of the real property occupied. The repeals contained in this Bill will bring such car parking lots within the 25 per cent. rule under the general language of clause (j) of subsection 1 of section 9.



BILL

An Act to amend The Assessment Act.

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

MR. STRACHAN

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Factory, Shop and Office Building Act, 1932.

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MR. ALLEN

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No. 67

1935

# BILL

An Act to amend The Factory, Shop and Office Building Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1935*.

1932,  
c. 35, s. 85,  
subs. 1,  
cl. a,  
amended.

**2.** Clause *a* of subsection 1 of section 85 of *The Factory, Shop and Office Building Act, 1932*, is amended by inserting after the word "retail" in the third line the words "boot and shoe repair shops," so that the said clause shall now read as follows:

"Shop,"—  
meaning of

(a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, boot and shoe repair shops and barbers' shops; but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The object of the amendment is to enable municipalities to extend the provisions of early closing by-laws to boot and shoe repair shops.

BILL

An Act to amend The Factory, Shop and  
Office Building Act, 1932

---

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. ALLEN

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act respecting the Guardianship of the Dionne Quintuplets.

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MR. CROLL

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# BILL

## An Act respecting the Guardianship of the Dionne Quintuplets.

Preamble.

**W**HEREAS having regard to the special and unique circumstances touching the birth and survival of the quintuplet infant daughters of Oliva Dionne and Elzire Dionne, his wife, and for the better protection of their persons and estates and of their advancement, education and welfare it is in the interests of the said children and in the public interest that a special guardianship be created.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Dionne Quintuplet Guardianship Act, 1935*.

Dionne  
quintuplets  
to be  
special  
wards of  
the Crown.

**2.** Yvonne Dionne, Annette Dionne, Marie Dionne, Cecile Dionne and Emelie Dionne, the quintuplet infant daughters of Oliva Dionne and Elzire Dionne, his wife, residing at or near Callander, in the Province of Ontario, and who were born on or about the 29th day of May, 1934, are and each of them is hereby declared to be the special ward and wards of His Majesty the King, represented therein by the Minister of Public Welfare for Ontario, and in respect to their persons and estates to be subject to the provisions of this Act.

Minister  
of Public  
Welfare  
to be  
special  
guardian.

**3.—(1)** The Minister of Public Welfare for Ontario is constituted and shall be the Special Guardian of and for the said children and each of them and of the person and estate of each of them respectively.

Authority  
to appoint  
active  
guardians.

**(2)** The Lieutenant-Governor in Council upon the recommendation of the said Minister may appoint any person or persons as guardian or guardians of the persons and estates of the said children, and such person or persons upon their appointment shall with the said Oliva Dionne, the father and natural guardian, be the active guardians of the persons and estates of the said children and of each of them, subject however to the jurisdiction and direction of the said Minister;

## EXPLANATORY NOTES

*General.*—At common law the King is the protector of all his subjects and all infants are his wards. At law the father is the natural and lawful guardian of his infant children, but under the public statutes the natural rights of a parent may be taken away if the circumstances warrant. In all matters pertaining to infants both the existing statutes and the courts consider the welfare of the infants of paramount importance and any natural rights of parents or guardians must give way thereto.

The birth and survival of the Dionne quintuplets in Ontario have created a very unique situation which demands special attention at the hands of the Legislature. Such a birth and survival is a very rare occurrence and the event has commanded world-wide attention to a point that the Dionne babies are a subject of more publicity in the press and elsewhere than has attached to any other event or occurrence of any nature in recent years.

The welfare and future of these babies is a topic of general day to day discussion in many countries, and particularly in Canada and the United States.

In these days of commercial exploitation of persons and affairs the advent of the Dionne quintuplets has created a wonderful opportunity for such exploitation, and as usually occurs in such cases the use and advantage is intended to benefit the exploiter and generally works to the detriment of the persons exploited.

The public interest and the welfare of the Dionne babies demanded soon after their birth that every effort be made to prevent improper exploitation of the babies and to this end a special temporary guardianship was created by direct intervention of the Government which has worked to the advantage and protection of the quintuplets.

Now that these babies are progressing in health, well-being and age through the constant care and attention which they have received the opportunities and advantage for exploitation increase and it is essential to cope with the situation which thus develops by some special and permanent guardianship control.

The circumstances require novel treatment and existing legislation and jurisdiction of the Courts is inadequate for the purpose. To ensure that the future welfare of the persons and estates of these internationally famous infants may be safeguarded special legislation of the character set forth in this Bill is deemed requisite. As far as is possible in such a set of circumstances the natural rights of the parents will be observed and protected, and due consideration will establish that such natural rights can best be protected by the provision of adequate guardianship control, so that the fate of these babies is not permitted by one specious means or another to pass from the hands of the parents.

*Section 2.*—This gives statutory recognition to the common law wardship of infants in the hands of the Crown through his Minister responsible in Ontario for child welfare.

*Section 3.*—Subsection 1 creates a special guardianship for both person and estate in the Minister of Welfare.

Subsection 2 provides for the appointment of guardians of person and estate of the Dionne infants subject to the control of the Minister. These guardians, with Oliva Dionne, the father and natural guardian of the children, are to be the active guardians so as to ensure close day to day supervision and control over the infants.

and the powers, rights and duties of the active guardians shall be as prescribed by the Lieutenant-Governor in Council or in the absence of any such prescription as may be authorized by the said Minister.

Suspension  
of  
guardians.

(3) The Minister may at any time suspend the guardianship of any guardian or guardians appointed pursuant to subsection 2, and thereupon and during the period of such suspension all the rights, powers and privileges of the guardian or guardians so suspended shall cease and not be exercised or acted upon.

Revocation  
of  
guardian-  
ship,  
appoint-  
ments and  
substitu-  
tional  
appoint-  
ments.

(4) The Lieutenant-Governor in Council, upon the recommendation of the said Minister, may at any time revoke the appointment of any guardian or guardians appointed pursuant to subsection 2, and may designate and appoint any other person or persons in his or their place and stead.

Guardians  
may act  
by a  
majority.

(5) The said active guardians may act by a majority of them, notwithstanding the absence, illness, vacancy in office or refusal to act or concur of the other or others of such active guardians.

Guardians  
a continu-  
ing body.

(6) The active guardians shall be continuing guardians, notwithstanding the death of any of them or the appointment of any new guardian in the place and stead of any former guardian.

Authori-  
zation of  
contracts.

4.—(1) Subject to the provisions of this Act and of any Order-in-Council passed pursuant hereto, the said Minister may by writing signed by him, enter into, execute, and perform or cause or authorize the said active guardians to enter into, execute and perform any contract, arrangement, engagement or obligation of any and every nature whatsoever for and with respect to the estates of the said quintuplet children and each of them or for or on their behalf and which to the said Minister may in his discretion seem desirable and in their interest for their advancement, welfare and protection.

Unauthor-  
ized con-  
tracts  
to be void.

(2) No person other than the Minister or the said active guardians, shall enter into any contract, arrangement, engagement or obligation with respect to the said children, or any of them or as to their persons or estates, and every contract, arrangement, engagement and obligation entered into without such consent and approval shall be null and void and incapable of performance and may not be sued upon in any Court.

Existing  
contracts  
of former  
guardians  
to continue.

5.—(1) Nothing in section 4 contained shall in any way void or affect the validity or prevent the due carrying out and performance of any contract, arrangement, engagement or obligation heretofore entered into in writing under the hands

Subsections 3 and 4 give the necessary powers for supervision and removal of appointed guardians if circumstances warrant and for defining the powers and duties of such guardians.

Subsections 5 and 6 give the necessary power to the active guardians to act by a majority and to constitute them a continuing body notwithstanding the death of any of them. This overcomes any legal difficulties which otherwise would ensue.

*Section 4.*—This section provides that all contracts, etc., relating to the infants must be sanctioned by the Minister, and declaring void and unenforceable any unauthorized contracts.

*Section 5.*—Continues in force subsisting contracts entered into by the former guardians so that good faith is kept with those who have made contractual obligations with the guardians and have helped to create the existing estate of the infants.



of William Herbert Alderson, Oliva Dionne, George Kenneth Morrison and Allan Roy Dafoe (or their lawful attorney or attorneys) as guardians heretofore appointed of the estates of the said children, but the same and every of them shall continue and remain in full force and effect according to their respective tenors, provided that all moneys hereafter payable under such contracts shall be payable to the Minister or upon the direction of the Minister to the said active guardians.

Previous  
unauthor-  
ized  
contracts  
to be void.

(2) Every contract, arrangement, engagement and obligation heretofore made or entered into by any person whatsoever relating to the said children or any of them, or to their persons or estates, which prior to the time of the passing of this Act had not been ratified, adopted or accepted in writing by the said guardians named in this section, shall be null and void and incapable of performance and may not be sued upon in any Court, and no suit or proceeding against any person in respect thereto or for damages arising by reason of the non-performance of the same heretofore instituted and now pending may be proceeded with.

Estates of  
quintuplets  
vested in  
the Minister.

6.—(1) All the estates of the said children and of each of them and the properties, moneys, funds, assets, rights, claims, choses in action, and other rights, matters and things and the benefit and advantage of all contracts, arrangements, engagements and obligations in respect thereto and the right to possess, have, hold, demand, recover and sue upon the same are hereby vested in the said Minister, in trust for the said children and the survivors and survivor of them.

Transfer of  
estates by  
former  
guardians.

(2) Forthwith after the passing of this Act the said guardians named in section 5 shall transfer and deliver or cause to be transferred and delivered to the said Minister, all properties, moneys, funds, assets, and things of whatsoever nature and kind which they or any of them have acquired, possess, have or hold for the benefit of or in trust for the said children or any of them.

Compensation to  
former  
guardians.

(3) The said guardians named in section 5 shall be entitled to such compensation for their care and trouble in and about the administration of their guardianship as may be allowed to them by the Surrogate Judge of the District Court for the District of Nipissing upon the passing of their accounts, and the amount of such compensation may be paid out of the estate of the said children.

Powers and  
duties of  
active  
guardians.

(4) The said Minister may vest in the said active guardians such control, management and administration of the persons and estates of the said children and of the properties, funds, moneys and investments of the same with power to apply, use

Subsection 2 makes null and void contracts which were not sanctioned by the former guardians.

*Section 6.*—Places the necessary vesting of the estates in the Minister and provides for the transfer to them of all properties and assets belonging to such estates.

Subsection 3 provides for the former guardians being compensated for their pains at an amount to be fixed by the Surrogate Judge on the passing of their accounts.

Subsection 4 enables the Minister to give to the active guardians the actual management and control of the infants' estates. This subsection also permits payment of allowances for maintenance, etc., to the parents, so that their parental position will be properly regarded and protected.



and pay the capital and income thereof for the benefit and advantage of the said children as to the said Minister may from time to time appear necessary or desirable, and from and out of the capital or income of the said estate he may authorize the payment of such sum or sums of money to Oliva Dionne and Elzire Dionne, the parents of the said children, or to either of them, as he may from time to time direct.

Rights of  
father of  
quintuplets.

**7.**—(1) Oliva Dionne, the father of the said children shall continue as the natural guardian and as one of the said active guardians of them and of their persons and estates, but by reason of the special and unique circumstances touching the birth and survival of such children, he shall as the natural and legal guardian of them and of their persons, be subject to the provisions of this Act and any Order-in-Council made hereunder, and to the jurisdiction and direction of the said Minister in all things and for all purposes in relation to the advancement, education, welfare and protection of the said children and each of them and as to their custody, residence, care and attention.

Religion of  
quintuplets.

(2) Provided always that the said children and each of them shall be brought up and educated according to and in the religious belief and faith of the said Oliva Dionne.

Prohibitions  
as to  
persons of  
quintuplets.

**8.**—(1) Except as provided by this Act or as duly authorized by the said Minister or the said active guardians, no person whatsoever shall in any way possess or have the persons of the said children or any of them in his custody or control or in any way harbour them or take them from any custody, control or residence in which from time to time and at any time they may, with the authority of the said Minister or said active guardians, have been placed, and their residence, permanent or temporary, shall only be at such place as the said Minister or said active guardians may from time to time direct.

Application  
of Rev. Stat.,  
c. 186.

**9.** Except and subject as in this Act is provided the provisions of *The Infants' Act* shall apply to the said children and each of them and to the guardianship of their persons and estates.

Rights of  
Allan R.  
Dafoe,  
M.D.,  
protected.

**10.** Nothing in this Act contained shall in any way interfere with or affect such professional or private and personal rights as Allan Roy Dafoe of Callander, M.D., may have in relation to the said children and his services for them; and the said Allan Roy Dafoe shall for his professional and other services be paid out of the estates of the said children such sums as the Minister or the said active guardians may from time to time authorize and direct.

*Section 7.*—Continues the father of the infants as their natural guardian but under the direction of the Minister so as to ensure that the welfare of the infants will amply be safeguarded.

Subsection 2 pays due regard to the general law as to the rights of the father in relation to the religion of the infants.

*Section 8.*—Prohibits unauthorized persons assuming control over the estates of the infants and amplifies the control of the Minister to prevent the persons of the infants being interfered with or removed without his consent and to prevent their exploitation.

*Section 9.*—Makes *The Infants Act* applicable except as specially provided under the Bill.

*Section 10.*—Gives special recognition to the position of Dr. Dafoe having regard to his special services and good offices with respect to the infants.

Commence-  
ment and  
continuance  
of Act.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent and shall remain in force and effect until the said children or the survivors or survivor of them shall attain the age of eighteen years unless sooner terminated by the Lieutenant-Governor by his Proclamation, in which case this Act shall cease to have force and effect from and after the date and to the extent named in such Proclamation.

*Section 11.*—Deals with the time during which the Act shall continue in force.

BILL

An Act respecting the Guardianship of the  
Dionne Quintuplets.

---

*1st Reading*

March 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act respecting the Guardianship of the Dionne Quintuplets.

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MR. CROLL

---



# BILL

## An Act respecting the Guardianship of the Dionne Quintuplets.

### Preamble.

**W**HEREAS having regard to the special and unique circumstances touching the birth and survival of the quintuplet infant daughters of Oliva Dionne and Elzire Dionne, his wife, and for the better protection of their persons and estates and of their advancement, education and welfare it is in the interests of the said children and in the public interest that a special guardianship be created.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Dionne Quintuplet Guardianship Act, 1935*.

Dionne  
quintuplets  
to be  
special  
wards of  
the Crown.

**2.** Yvonne Dionne, Annette Dionne, Marie Dionne, Cecile Dionne and Emelie Dionne, the quintuplet infant daughters of Oliva Dionne and Elzire Dionne, his wife, residing at or near Callander, in the Province of Ontario, and who were born on or about the 29th day of May, 1934, are and each of them is hereby declared to be the special ward and wards of His Majesty the King, represented therein by the Minister of Public Welfare for Ontario, and in respect to their persons and estates to be subject to the provisions of this Act.

Minister  
of Public  
Welfare  
to be  
special  
guardian.

**3.—(1)** The Minister of Public Welfare for Ontario is constituted and shall be the Special Guardian of and for the said children and each of them and of the person and estate of each of them respectively.

Authority  
to appoint  
active  
guardians.

**(2)** The Lieutenant-Governor in Council upon the recommendation of the said Minister may appoint any person or persons as guardian or guardians of the persons and estates of the said children, and such person or persons upon their appointment shall with the said Oliva Dionne, the father and natural guardian, be the active guardians of the persons and estates of the said children and of each of them, subject however to the jurisdiction and direction of the said Minister;

and the powers, rights and duties of the active guardians shall be as prescribed by the Lieutenant-Governor in Council or in the absence of any such prescription as may be authorized by the said Minister.

(3) The Minister may at any time suspend the guardianship of any guardian or guardians appointed pursuant to subsection 2, and thereupon and during the period of such suspension all the rights, powers and privileges of the guardian or guardians so suspended shall cease and not be exercised or acted upon. Suspension of guardians.

(4) The Lieutenant-Governor in Council, upon the recommendation of the said Minister, may at any time revoke the appointment of any guardian or guardians appointed pursuant to subsection 2, and may designate and appoint any other person or persons in his or their place and stead. Revocation of guardianship, appointments and substitutional appointments.

(5) The said active guardians may act by a majority of them, notwithstanding the absence, illness, vacancy in office or refusal to act or concur of the other or others of such active guardians. Guardians may act by a majority.

(6) The active guardians shall be continuing guardians, notwithstanding the death of any of them or the appointment of any new guardian in the place and stead of any former guardian. Guardians a continuing body.

4.—(1) Subject to the provisions of this Act and of any Order-in-Council passed pursuant hereto, the said Minister may by writing signed by him, enter into, execute, and perform or cause or authorize the said active guardians to enter into, execute and perform any contract, arrangement, engagement or obligation of any and every nature whatsoever for and with respect to the estates of the said quintuplet children and each of them or for or on their behalf and which to the said Minister may in his discretion seem desirable and in their interest for their advancement, welfare and protection. Authorization of contracts.

(2) No person other than the Minister or the said active guardians, shall enter into any contract, arrangement, engagement or obligation with respect to the said children, or any of them or as to their persons or estates, and every contract, arrangement, engagement and obligation entered into without such consent and approval shall be null and void and incapable of performance and may not be sued upon in any Court. Unauthorized contracts to be void.

5.—(1) Nothing in section 4 contained shall in any way void or affect the validity or prevent the due carrying out and performance of any contract, arrangement, engagement or obligation heretofore entered into in writing under the hands Existing contracts of former guardians to continue.

of William Herbert Alderson, Oliva Dionne, George Kenneth Morrison and Allan Roy Dafoe (or their lawful attorney or attorneys) as guardians heretofore appointed of the estates of the said children, but the same and every of them shall continue and remain in full force and effect according to their respective tenors, provided that all moneys hereafter payable under such contracts shall be payable to the Minister or upon the direction of the Minister to the said active guardians.

Previous  
unauthor-  
ized  
contracts  
to be void.

(2) Every contract, arrangement, engagement and obligation heretofore made or entered into by any person whatsoever relating to the said children or any of them, or to their persons or estates, which prior to the time of the passing of this Act had not been ratified, adopted or accepted in writing by the said guardians named in this section, shall be null and void and incapable of performance and may not be sued upon in any Court, and no suit or proceeding against any person in respect thereto or for damages arising by reason of the non-performance of the same heretofore instituted and now pending may be proceeded with.

Estates of  
quintuplets  
vested in  
the Minister.

**6.—**(1) All the estates of the said children and of each of them and the properties, moneys, funds, assets, rights, claims, choses in action, and other rights, matters and things and the benefit and advantage of all contracts, arrangements, engagements and obligations in respect thereto and the right to possess, have, hold, demand, recover and sue upon the same are hereby vested in the said Minister, in trust for the said children and the survivors and survivor of them.

Transfer of  
estates by  
former  
guardians.

(2) Forthwith after the passing of this Act the said guardians named in section 5 shall transfer and deliver or cause to be transferred and delivered to the said Minister, all properties, moneys, funds, assets, and things of whatsoever nature and kind which they or any of them have acquired, possess, have or hold for the benefit of or in trust for the said children or any of them.

Compensation to  
former  
guardians.

(3) The said guardians named in section 5 shall be entitled to such compensation for their care and trouble in and about the administration of their guardianship as may be allowed to them by the Surrogate Judge of the District Court for the District of Nipissing upon the passing of their accounts, and the amount of such compensation may be paid out of the estate of the said children.

Powers and  
duties of  
active  
guardians.

(4) The said Minister may vest in the said active guardians such control, management and administration of the persons and estates of the said children and of the properties, funds, moneys and investments of the same with power to apply, use



and pay the capital and income thereof for the benefit and advantage of the said children as to the said Minister may from time to time appear necessary or desirable, and from and out of the capital or income of the said estate he may authorize the payment of such sum or sums of money to Oliva Dionne and Elzire Dionne, the parents of the said children, or to either of them, as he may from time to time direct.

**7.**—(1) Oliva Dionne, the father of the said children shall continue as the natural guardian and as one of the said active guardians of them and of their persons and estates, but by reason of the special and unique circumstances touching the birth and survival of such children, he shall as the natural and legal guardian of them and of their persons, be subject to the provisions of this Act and any Order-in-Council made hereunder, and to the jurisdiction and direction of the said Minister in all things and for all purposes in relation to the advancement, education, welfare and protection of the said children and each of them and as to their custody, residence, care and attention. Rights of father of quintuplets.

(2) Provided always that the said children and each of them shall be brought up and educated according to and in the religious belief and faith of the said Oliva Dionne. Religion of quintuplets.

**8.**—(1) Except as provided by this Act or as duly authorized by the said Minister or the said active guardians, no person whatsoever shall in any way possess or have the persons of the said children or any of them in his custody or control or in any way harbour them or take them from any custody, control or residence in which from time to time and at any time they may, with the authority of the said Minister or said active guardians, have been placed, and their residence, permanent or temporary, shall only be at such place as the said Minister or said active guardians may from time to time direct. Prohibitions as to persons of quintuplets.

**9.** Except and subject as in this Act is provided the provisions of *The Infants' Act* shall apply to the said children and each of them and to the guardianship of their persons and estates. Application of Rev. Stat., c. 186.

**10.** Nothing in this Act contained shall in any way interfere with or affect such professional or private and personal rights as Allan Roy Dafoe of Callander, M.D., may have in relation to the said children and his services for them; and the said Allan Roy Dafoe shall for his professional and other services be paid out of the estates of the said children such sums as the Minister or the said active guardians may from time to time authorize and direct. Rights of Allan R. Dafoe, M.D., protected.

Commence-  
ment and  
continuance  
of Act.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent and shall remain in force and effect until the said children or the survivors or survivor of them shall attain the age of eighteen years unless sooner terminated by the Lieutenant-Governor by his Proclamation, in which case this Act shall cease to have force and effect from and after the date and to the extent named in such Proclamation.





BILL

An Act respecting the Guardianship of the  
Dionne Quintuplets.

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*1st Reading*

March 8th, 1935

*2nd Reading*

March 11th, 1935

*3rd Reading*

March 15th, 1935

---

Mr. CROLL

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No. 69

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Justices of the Peace Act.

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MR. ROEBUCK

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 69

1935

# BILL

An Act to amend The Justices of the Peace Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Justices of the Peace Amendment Act, 1935*.

Rev. Stat.,  
c. 118, s. 2,  
amended.      **2.** Section 2 of *The Justices of the Peace Act* is amended by striking out the words "one or more" in the third line and by striking out all the words after the word "for" in the fourth line and inserting in lieu thereof the words "the Province of Ontario or any part thereof," so that the said section shall now read as follows:

Appoint-  
ment by  
Lieutenant-  
Governor  
in Council.      **2.** The Lieutenant-Governor by commission under the Great Seal in pursuance of an Order-in-Council, whenever he thinks fit, may appoint justices of the peace in and for the Province of Ontario or any part thereof.

Rev. Stat.,  
c. 118, s. 5,  
repealed.      **3.** Section 5 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 8,  
repealed.      **4.** Section 8 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 9,  
repealed.      **5.** Section 9 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 11,  
amended.      **6.** Section 11 of *The Justices of the Peace Act* is amended by striking out the words "of qualification and" in the second line so that the said section shall now read as follows:

Limitation  
of time for  
taking oaths.      **11.** Every person appointed a justice of the peace shall take the oaths of office and of allegiance within three months from the date of the commission under which he is appointed, otherwise the commission shall, so far as the same relates to him, be deemed to be absolutely revoked and cancelled.

Rev. Stat.,  
c. 118, s. 12,  
subs. 1,  
amended.      **7.—(1)** Subsection 1 of section 12 of *The Justices of the Peace Act* is amended by striking out the words "of qualification and"

#### EXPLANATORY NOTES

Sections 2 and 3. The amendment to Section 2 and the repeal of Section 5 of *The Justices of the Peace Act* abolish the requirement that Justices of the Peace shall be the most sufficient persons dwelling in the counties, districts or places for which they are appointed and accordingly permits a Justice of the Peace to be appointed for an area which comprises more than one county.

Section 4. The repeal of Section 8 of the Act dispenses with the present requirement that a Justice of the Peace shall be possessed of an estate in land of or above the value of \$1,200.

Section 5. Section 9 of the Act is the section which prescribes the oath of property qualification. As property qualification is dispensed with by Section 4 of the Bill, Section 9 is no longer required.

Section 6. As the oath of qualification is being dispensed with the removal of the words "of qualification and" from Section 11 of the Act naturally follows.

Section 7. The oath of qualification being dispensed with the removal of the words "oath of qualification and" in Section 12 naturally follows.

in the first line, so that the said subsection shall now read as follows:

Filing oaths.

- (1) Every oath of office and of allegiance taken by a justice of the peace shall forthwith after the same is taken be transmitted or delivered by him to the clerk of the peace of the county or district within which the justice of the peace is to act, and shall be filed in the office of the clerk of the peace.

Rev. Stat.,  
c. 118, s. 12,  
subs. 2,  
amended.

- (2) Subsection 2 of the said section 12 is amended by striking out the words "the oath of qualification and" in the second and third lines, so that the said subsection shall now read as follows:

Records.

- (2) The clerk of the peace shall keep posted up in his office a list of the justices of the peace who have taken the oaths of office and of allegiance, and the same shall be open to inspection without payment of any fee.

Rev. Stat.,  
c. 118, s. 14,  
amended.

8. Section 14 of *The Justices of the Peace Act* is amended by striking out all the words after the word "commission" in the fifth line so that the said section shall now read as follows:

New oath  
not required  
from  
qualified  
persons.

14. It shall not be necessary for any justice of the peace named in any commission who, after his appointment as such justice by a former commission, took the oath of office and the oath of allegiance to again take such oaths before acting under the new commission.

Rev. Stat.,  
c. 118, s. 15,  
subs. 1,  
amended.

- 9.—(1) Subsection 1 of section 15 of *The Justices of the Peace Act* is amended by striking out the words "without having the prescribed property qualification, or" in the second and third lines and the words "of qualification and" in the fourth and fifth lines, so that the said subsection shall now read as follows:

Penalty  
for acting  
without  
taking oaths.

- (1) When not otherwise provided any person who acts as justice of the peace without having taken, subscribed and filed with the clerk of the peace the oaths of office and of allegiance, shall incur a penalty of \$50 recoverable under *The Summary Convictions Act*.

Rev. Stat.,  
c. 121,

Rev. Stat.,  
c. 118, s. 15,  
subs. 2,  
repealed.

- (2) Subsection 2 of the said section 15 is repealed.

Rev. Stat.,  
c. 118, s. 17,  
(1931, c. 29,  
s. 2)  
re-enacted,  
s. 18 (1931,  
c. 29, s. 2),  
s. 19,  
repealed.

10. Sections 17 and 18, as re-enacted by section 2 of *The Justices of the Peace Act, 1931*, and section 19 of *The Justices of the Peace Act* are repealed and the following substituted therefor:

Section 8. The deletion of the final words of Section 14 of the Act naturally follows the elimination of the requirement for property qualification.

Section 9.—(1) The words deleted are no longer necessary, property qualification having been dispensed with.

(2) The property qualification having been dispensed with the subsection repealed is no longer necessary.

Section 10. Section 17 of the Act is re-enacted and Sections 18 and 19 repealed in order that the requirements of *The Justices of the Peace Act* may be kept uniform with the requirements of *The Magistrates Act* relating to returns to be made by Justices of the Peace.



Returns.

17. Where a justice of the peace tries any offence,—

(a) under a municipal by-law, or

(b) under the direction of a magistrate or the  
Inspector of Legal Offices,he shall make such returns as the Inspector of Legal  
Offices may direct.Rev. Stat.,  
c. 118, s. 23,  
amended.

11. Section 23 of *The Justices of the Peace Act* is amended by striking out the word "police" in the second line, by inserting after the word "magistrate" in the second line the words "and a justice of the peace," and by striking out the words "and a justice of the peace" in the third line so that the said section shall now read as follows:

Fees in  
certain  
cases not  
otherwise  
provided for.

23. In cases not provided for by the *Criminal Code* and *The Summary Convictions Act* a magistrate and a justice of the peace not receiving a salary shall be entitled to receive from the county, or, in the case of a district, from the Province, \$2 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and fifty cents for each additional hour above two hours.

Commence-  
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 11. The purpose of the amendment is to provide that a Justice of the Peace who is in receipt of a salary will not be entitled to the fees provided for by Section 23 of the Act. The Act already provides that a Magistrate who is in receipt of a salary shall not be entitled to such fees.

The word "police" is struck out because the word "magistrate" is now used for all purposes.

BILL

An Act to amend The Justices of the Peace  
Act.

---

*1st Reading*

March 15th, 1935

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Justices of the Peace Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Justices of the Peace Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Justices of the Peace Amendment Act, 1935*.

Rev. Stat.,  
c. 118, s. 2,  
amended.      **2.** Section 2 of *The Justices of the Peace Act* is amended by striking out the words "one or more" in the third line and by striking out all the words after the word "for" in the fourth line and inserting in lieu thereof the words "the Province of Ontario or any part thereof," so that the said section shall now read as follows:

Appoint-  
ment by  
Lieutenant-  
Governor  
in Council.      **2.** The Lieutenant-Governor by commission under the Great Seal in pursuance of an Order-in-Council, whenever he thinks fit, may appoint justices of the peace in and for the Province of Ontario or any part thereof.

Rev. Stat.,  
c. 118, s. 5,  
repealed.      **3.** Section 5 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 8,  
repealed.      **4.** Section 8 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 9,  
repealed.      **5.** Section 9 of *The Justices of the Peace Act* is repealed.

Rev. Stat.,  
c. 118, s. 11,  
amended.      **6.** Section 11 of *The Justices of the Peace Act* is amended by striking out the words "of qualification and" in the second line so that the said section shall now read as follows:

Limitation  
of time for  
taking oaths.      **11.** Every person appointed a justice of the peace shall take the oaths of office and of allegiance within three months from the date of the commission under which he is appointed, otherwise the commission shall, so far as the same relates to him, be deemed to be absolutely revoked and cancelled.

Rev. Stat.,  
c. 118, s. 12,  
subs. 1,  
amended.      **7.—(1)** Subsection 1 of section 12 of *The Justices of the Peace Act* is amended by striking out the words "of qualification and"

in the first line, so that the said subsection shall now read as follows:

- (1) Every oath of office and of allegiance taken by a justice of the peace shall forthwith after the same is taken be transmitted or delivered by him to the clerk of the peace of the county or district within which the justice of the peace is to act, and shall be filed in the office of the clerk of the peace.

(2) Subsection 2 of the said section 12 is amended by striking out the words "the oath of qualification and" in the second and third lines, so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 118, s. 12,  
subs. 2,  
amended.

- (2) The clerk of the peace shall keep posted up in his office a list of the justices of the peace who have taken the oaths of office and of allegiance, and the same shall be open to inspection without payment of any fee.

Records.

8. Section 14 of *The Justices of the Peace Act* is amended by striking out all the words after the word "commission" in the fifth line so that the said section shall now read as follows:

Rev. Stat.,  
c. 118, s. 14,  
amended.

14. It shall not be necessary for any justice of the peace named in any commission who, after his appointment as such justice by a former commission, took the oath of office and the oath of allegiance to again take such oaths before acting under the new commission.

New oath  
not required  
from  
qualified  
persons.

9.—(1) Subsection 1 of section 15 of *The Justices of the Peace Act* is amended by striking out the words "without having the prescribed property qualification, or" in the second and third lines and the words "of qualification and" in the fourth and fifth lines, so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 118, s. 15,  
subs. 1,  
amended.

- (1) When not otherwise provided any person who acts as justice of the peace without having taken, subscribed and filed with the clerk of the peace the oaths of office and of allegiance, shall incur a penalty of \$50 recoverable under *The Summary Convictions Act*.

Penalty  
for acting  
without  
taking oaths.

Rev. Stat.,  
c. 121,

- (2) Subsection 2 of the said section 15 is repealed.

Rev. Stat.,  
c. 118, s. 15,  
subs. 2,  
repealed.

10. Sections 17 and 18, as re-enacted by section 2 of *The Justices of the Peace Act, 1931*, and section 19 of *The Justices of the Peace Act* are repealed and the following substituted therefor:

Rev. Stat.,  
c. 118, s. 17,  
(1931, c. 29,  
s. 2)  
re-enacted,  
s. 18 (1931,  
c. 29, s. 2),  
s. 19,  
repealed.



Returns.

17. Where a justice of the peace tries any offence,—

(a) under a municipal by-law, or

(b) under the direction of a magistrate or the  
Inspector of Legal Offices,he shall make such returns as the Inspector of Legal  
Offices may direct.Rev. Stat.,  
c. 118, s. 23,  
amended.11. Section 23 of *The Justices of the Peace Act* is amended by striking out the word "police" in the second line, by inserting after the word "magistrate" in the second line the words "and a justice of the peace," and by striking out the words "and a justice of the peace" in the third line so that the said section shall now read as follows:Fees in  
certain  
cases not  
otherwise  
provided for.23. In cases not provided for by the *Criminal Code* and *The Summary Convictions Act* a magistrate and a justice of the peace not receiving a salary shall be entitled to receive from the county, or, in the case of a district, from the Province, \$2 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and fifty cents for each additional hour above two hours.Commence-  
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Justices of the Peace  
Act.

---

*1st Reading*

March 15th, 1935

*2nd Reading*

March 25th, 1935

*3rd Reading*

April 1st, 1935

---

MR. ROEBUCK

---

No. 70

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Municipal Arbitrations Act.

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MR. SCHWENGER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 70

1935

# BILL

## An Act to amend The Municipal Arbitrations Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Municipal Arbitrations Amendment Act, 1935*

Rev. Stat.  
c. 242, s. 1,  
subs. 2, cl. a  
re-enacted.

**2.** Clause *a* of subsection 2 of section 1 of *The Municipal Arbitrations Act* is repealed and the following substituted therefor:

(a) be a judge of the county court or a barrister of at least ten years' standing at the Bar of Ontario,

so that the first line of subsection 2 and clause *a* shall now read as follows:

Official  
Arbitrator—  
who to be.

(2) The Official Arbitrator shall,—

(a) be a judge of the county court or a barrister of at least ten years' standing at the Bar of Ontario;

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 20th day of September, 1934.

#### EXPLANATORY NOTE

This amendment is to allow a county judge to act as Arbitrator under this Act. At the present time the Act allows a barrister who has been practising for ten years to act as arbitrator but does not allow a county judge to so act.

BILL

An Act to amend The Municipal  
Arbitrations Act.

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*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

---

MR. SCHWENGER

---

No. 70

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Municipal Arbitrations Act.

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MR. SCHWENGER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 70

1935

# BILL

## An Act to amend The Municipal Arbitrations Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Municipal Arbitrations Amendment Act, 1935*.

Rev. Stat.  
c. 242, s. 1,  
subs. 2, cl. a  
re-enacted.

**2.** Clause *a* of subsection 2 of section 1 of *The Municipal Arbitrations Act* is repealed and the following substituted therefor:

(a) be a judge of the county court or a barrister of at least ten years' standing at the Bar of Ontario;

so that the first line of subsection 2 and clause *a* shall now read as follows:

Official  
Arbitrator—  
who to be.

(2) The Official Arbitrator shall,—

(a) be a judge of the county court or a barrister of at least ten years' standing at the Bar of Ontario.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 20th day of September, 1934.





BILL

An Act to amend The Municipal Arbitrations Act.

---

*1st Reading*

March 18th, 1935

*2nd Reading*

March 20th, 1935

*3rd Reading*

April 17th, 1935

---

MR. SCHWENGER

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No. 71

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The County Judges Act.

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MR. SCHWENGER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 71

1935

# BILL

## An Act to amend The County Judges Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The County Judges Amendment Act, 1935*.

Rev. Stat.  
c. 90, s. 9,  
subs. 4  
amended.      **2.** Subsection 4 of section 9 of *The County Judges Act* is amended by inserting after the words "*The Arbitration Act*" in the eighth line the words "*The Municipal Arbitrations Act*," so that the said subsection shall now read as follows:

Exceptions  
as to arbi-  
trators, etc.

(4) Nothing in the foregoing subsection shall apply to or affect the payment of any allowance or fees to the judge of a county or district court with respect to any office which may be lawfully held by him in addition to his office as judge, to which any annual allowance or salary may be attached, or in the performance of his duties as an arbitrator or referee under *The Municipal Act*, *The Public Works Act*, *The Railway Act (Ontario)*, *The Arbitration Act*, *The Municipal Arbitrations Act*, or any other statute designating him by his name of office as an arbitrator or referee.

Rev. Stat.  
cc. 233, 52,  
224, 97, 242.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of November, 1934.

#### EXPLANATORY NOTE

The object of this amendment is to permit a county court judge who has been appointed an arbitrator under *The Municipal Arbitrations Act* to collect the fees prescribed in that Act.

BILL

An Act to amend the County Judges Act.

---

*1st Reading*

March 18th, 1935

*2nd Reading*

*3rd Reading*

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MR. SCHWENGER

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No. 71

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The County Judges Act.

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MR. SCHWENGER

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 71

1935

# BILL

## An Act to amend The County Judges Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The County Judges Amendment Act, 1935*.

Rev. Stat.  
c. 90, s. 9,  
subs. 4  
amended.      **2.** Subsection 4 of section 9 of *The County Judges Act* is amended by inserting after the words "*The Arbitration Act*" in the eighth line the words "*The Municipal Arbitrations Act*," so that the said subsection shall now read as follows:

Exceptions  
as to arbit-  
rators, etc.

(4) Nothing in the foregoing subsection shall apply to or affect the payment of any allowance or fees to the judge of a county or district court with respect to any office which may be lawfully held by him in addition to his office as judge, to which any annual allowance or salary may be attached, or in the performance of his duties as an arbitrator or referee under *The Municipal Act*, *The Public Works Act*, *The Railway Act (Ontario)*, *The Arbitration Act*, *The Municipal Arbitrations Act*, or any other statute designating him by his name of office as an arbitrator or referee.

Rev. Stat.  
cc. 233, 52,  
224, 97, 242.

Commence-  
ment of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect as from the 1st day of November, 1934.



An Act to amend the County Judges Act.

---

*1st Reading*

March 18th, 1935

*2nd Reading*

March 20th, 1935

*3rd Reading*

April 17th, 1935

---

MR. SCHWENGER

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No. 72

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Wages Act.

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MR. STRACHAN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Wages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Wages Amendment Act, 1935*.

Rev. Stat.,  
c. 176, s. 7,  
subs. 1,  
amended.

2. Subsection 1 of section 7 of *The Wages Act* is amended by striking out all the words after the word "exceeds" in the fifteenth line and inserting in lieu thereof the words "the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor's wages not exceeding the sum of \$2.50 for each working day represented by the wages seized or attached shall in all cases be exempt from seizure or attachment," so that the subsection shall now read as follows:—

Extent of  
exemption  
from seizure  
or  
attachment.

- (1) Seventy per centum of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages shall be exempt from seizure or attachment, provided, however, that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as seventy per centum of such debtor's wages should be exempt, the judge may, upon a hearing of the matter reduce the percentage of exemption herein allowed in any particular case, and provided further, that this section shall only apply where the amount of such exemption exceeds the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor's wages not exceeding the sum of \$2.50 for each working day represented

#### EXPLANATORY NOTE

The purpose of the amendment is to clarify the meaning of the section and to establish with greater certainty the amount of the exemption.



by the wages seized or attached shall in all cases be exempt from seizure or attachment.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.







Bill  
An Act to amend The Wages Act.

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*1st Reading*

March 20th, 1935

*2nd Reading*

*3rd Reading*

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MR. STRACHAN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Wages Act.

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MR. STRACHAN

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No. 72

1935

# BILL

## An Act to amend The Wages Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Wages Amendment Act, 1935*.

Rev. Stat.,  
c. 176, s. 7,  
subs. 1,  
amended.

2. Subsection 1 of section 7 of *The Wages Act* is amended by striking out all the words after the word "exceeds" in the fifteenth line and inserting in lieu thereof the words "the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor's wages not exceeding the sum of \$2.50 for each working day represented by the wages seized or attached shall in all cases be exempt from seizure or attachment," so that the subsection shall now read as follows:—

Extent of  
exemption  
from seizure  
or  
attachment.

- (1) Seventy per centum of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages shall be exempt from seizure or attachment, provided, however, that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as seventy per centum of such debtor's wages should be exempt, the judge may, upon a hearing of the matter reduce the percentage of exemption herein allowed in any particular case, and provided further, that this section shall only apply where the amount of such exemption exceeds the sum of \$2.50 for each working day represented by the wages seized or attached and that a portion of such debtor's wages not exceeding the sum of \$2.50 for each working day represented

by the wages seized or attached shall in all cases be exempt from seizure or attachment.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.

An Act to amend The Wages Act.

---

*1st Reading*

March 20th, 1935

*2nd Reading*

March 25th, 1935

*3rd Reading*

April 17th, 1935

---

MR. STRACHAN

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Master and Servant Act.

---

MR. KIRBY

---

No. 73

1935

# BILL

An Act to amend The Master and Servant Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Master and Servant Act, 1935*.

Rev. Stat.,  
c. 177,  
amended.      **2.** *The Master and Servant Act* is amended by adding thereto the following section:

“Wages,”—  
meaning  
of.

1a. In this Act “wages” shall mean and include wages and salary whether the employment in respect of which the same is payable is by time or by the job or piece or otherwise.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

It is deemed advisable to include in this Act the definition of "wages" as it appears in *The Wages Act* in order that there may be no doubt as to the right to claim for wages payable as piece-work.



BILL

An Act to amend The Master and  
Servant Act.

---

*1st Reading*

March 20th, 1935

*2nd Reading*

*3rd Reading*

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MR. KIRBY

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Master and Servant Act.

---

MR. KIRBY

---

No. 73

1935

# BILL

An Act to amend The Master and Servant Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Master and Servant Amendment Act, 1935*.

Rev. Stat.,  
c. 177,  
amended.

**2.** *The Master and Servant Act* is amended by adding thereto the following section:

"Wages,"—  
meaning  
of.

**1a.** In this Act "wages" shall mean and include wages and salary whether the employment in respect of which the same is payable is by time or by the job or piece or otherwise.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Master and  
Servant Act.

---

*1st Reading*

March 20th, 1935

*2nd Reading*

March 25th, 1935

*3rd Reading*

April 17th, 1935

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MR. KIRBY

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No. 74

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Jurors' Act.

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MR. SINCLAIR (Ontario)

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No. 74

1935

# BILL

An Act to amend The Jurors' Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Jurors' Amendment Act, 1935*.

Rev. Stat.,  
c. 96, s. 62,  
subs. 2,  
re-enacted.

**2.** Subsection 2 of section 62 of *The Jurors' Act* is repealed and the following substituted therefor:

When  
actions to  
be entered  
for trial.

(2) Subject, in the case of an action in the Supreme Court, to any order made by a judge of that court, and in the case of an action in the county court, to an order made by a judge of the county court, actions to be tried by a jury whether in the Supreme Court or the county court, shall be entered for trial not later than six clear days before the first day of the sittings, provided that no order extending the time shall be made after the notice provided for by subsection 5 of this section has been given by the sheriff to the jurors.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

At present the meaning of this subsection is obscure. The purpose of the amendment is to clarify the meaning and avoid confusion.

BILL

An Act to amend 'The Jurors' Act.

*1st Reading*

March 20th, 1935

*2nd Reading*

*3rd Reading*

MR. SINCLAIR (Ontario)

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Jurors' Act.

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MR. SINCLAIR (Ontario)

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No. 74

1935

# BILL

An Act to amend The Jurors' Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Jurors' Amendment Act, 1935*.

Rev. Stat.,  
c. 96, s. 62,  
subs. 2,  
re-enacted.

**2.** Subsection 2 of section 62 of *The Jurors' Act* is repealed and the following substituted therefor:

When  
actions to  
be entered  
for trial.

(2) Subject, in the case of an action in the Supreme Court, to any order made by a judge of that court, and in the case of an action in the county court, to an order made by a judge of the county court, actions to be tried by a jury whether in the Supreme Court or the county court, shall be entered for trial not later than six clear days before the first day of the sittings, provided that no order extending the time shall be made after the notice provided for by subsection 5 of this section has been given by the sheriff to the jurors.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Jurors' Act.

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*1st Reading*

March 20th, 1935

*2nd Reading*

March 29th, 1935

*3rd Reading*

April 17th, 1935

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MR. SINCLAIR (Ontario)

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No. 75

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Industrial Standards.

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MR. ROEBUCK

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PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
TORONTO

# BILL

## An Act respecting Industrial Standards.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Industrial Standards Act, 1935*.

Interpretation.      **2.** In this Act,—

Association of Employees.      (a) “Association of Employees” shall mean a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers;

Deputy Minister.      (b) “Deputy Minister” shall mean the Deputy Minister of Labour;

Employee.      (c) “Employee” shall mean and include every person engaged in any industry who is in receipt of or entitled to compensation for labour performed in Ontario whether such labour is performed on the premises of the employer or of the employee or elsewhere and whether such compensation is on the basis of time or of the amount of work performed or piece work, but shall not include domestic servants;

Employer.      (d) “Employer” shall mean and include every person, corporation, partnership, firm, manager, representative, principal, agent, contractor, and subcontractor, directly or indirectly responsible for the payment of wages to an employee;

Industry.      (e) “Industry” shall mean and include every business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof in which there are employees and employers except the mining and agricultural industries;

#### EXPLANATORY NOTE

The purpose of this Bill is to permit the Government to promote and encourage agreements between employers and employees in the various industries and to permit such agreements to be given the force of law for a period of one year.

Minister.	(f) "Minister" shall mean the Minister of Labour or such member of the Executive Council as is for the time being charged with the administration of this Act;
Officer.	(g) "Officer" shall mean Industrial Standards Officer appointed under the authority of this Act;
Regulations.	(h) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act;
Schedule.	(i) "Schedule" shall include schedule of wages and schedule of hours of labour;
Schedule of hours of labour.	(j) "Schedule of Hours of Labour" shall mean a schedule of the maximum number of hours in each day or of days in each week, or of both, which an employee shall be permitted to work;
Schedule of Wages.	(k) "Schedule of Wages" shall mean a schedule of the minimum wages or remuneration payable to an employee.

## PART I.

Appoint-  
ment of  
Industrial  
Standards  
Officer.

**3.** The Lieutenant-Governor in Council may appoint one or more persons as Industrial Standards Officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules.

Powers and  
duties of  
officer.

**4.** Every officer shall have such powers and duties as may be prescribed by this Act and regulations and shall have authority to conduct enquiries and investigations respecting all matters coming within the scope of this Act and of the regulations and shall, for such purposes, have all the powers, rights and privileges as a commissioner appointed under *The Public Enquiries Act*.

Rev. Stat.,  
c. 20.

Establish-  
ment of  
zones.

**5.** The Minister may define and redefine zones in the various industries for the purpose of carrying out the provisions of this Act and the regulations.

Powers of  
Minimum  
Wage Board,  
Rev. Stat.,  
c. 277,

**6.** The Minimum Wage Board shall have authority to enforce the provisions of this Act and of the regulations and schedules.

## PART II.

Convening  
of conference  
on petition.

**7.** The Minister may, upon the petition of representatives of employees or employers in any industry, convene a con-





ference or series of conferences of employees and employers engaged in such industry in any one or more zones, for the purpose of investigating or considering the condition of labour and the practices prevailing in such industry and for negotiating standard or uniform rates of wages and hours and days of labour in each industry in said zone or zones.

Formulation  
of schedules.

**8.** The employees and employers in attendance may formulate and agree upon a schedule of wages and of hours of labour for all or any class of employees in such industry within such zone or zones and the parties to every agreement entered into under the authority of this Act shall assist in maintaining the standard of wages and hours and days of labour provided for by any schedule affecting such parties.

Power to  
declare  
schedules  
in force.

**9.** If, in the opinion of the Minister a schedule of wages and of hours of labour for any industry is agreed upon in writing by a proper and sufficient representation of employees and of employers, he may approve thereof, and upon his recommendation, the Lieutenant-Governor in Council may declare such schedule to be in force for a period not exceeding twelve months and thereupon such schedule shall be binding upon every employee and employer in such industry in such zone or zones to which such schedule applies.

Publication  
in *Ontario  
Gazette*.

**10.** No such schedule shall become effective until ten days after publication of the order-in-council in the *Ontario Gazette*.

Posting of  
schedule.

**11.** Every employer affected by any schedule shall cause a copy of such schedule to be posted in a conspicuous place where his employees are engaged in their duties so that the same may be readily seen and read by all employees and further shall cause such schedule to be there maintained so long as it remains in force.

### PART III.

Power to  
declare  
members of  
partnerships  
and associa-  
tions.

**12.** The Minister may investigate and enquire into any partnership or association and if he considers any such partnership or association is being used for the purpose of defeating the provisions of this Act or the regulations, he may, in writing, declare any or every partner or member of such partnership or association an employee for the purpose of this Act and the regulations.

**13.** Whenever a schedule is in force, the Minimum Wage Board may require any employer affected thereby to,—

Furnishing  
of informa-  
tion by  
employers.

(a) furnish the name, address and age of all employees and such further information respecting wages,



hours and days and conditions of labour as may be required;

Production of records and furnishing of copies by employers.

- (b) produce for inspection at a place named by the Board any books, registers, pay-rolls, financial statements, attendance records, time records, contracts of employment and all such records as may be deemed necessary.

Regulations.

**14.** The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof and such regulations shall be published in the *Ontario Gazette*, and upon being so published shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time and such repeal, alterations or amendment shall be published in the *Ontario Gazette* and upon being so published shall have the same force and effect as if enacted in this Act.

Establishment of Board.

**15.** In every zone or group of zones to which any schedule applies, the employees and employers engaged in the industry to which such schedule applies may establish a board of not more than five members, one of whom may act as chairman, and such board shall hear complaints of employees and employers to whom such schedule applies, and shall generally assist in enforcing such schedule.

Violation of schedule by employer.

**16.—(1)** No employer shall pay or cause to be paid to any employee wages or remuneration of a sum less than is prescribed by any schedule nor shall he require or permit any employee to work a greater number of hours in each day or a greater number of days in each week than is prescribed by any schedule, which schedules apply to the industry in which the employee or employer is engaged and to the zone in which the employer's business is located or in which the work is performed.

Penalty.

(2) Everyone who violates any of the provisions of subsection 1 shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$100, and in default of payment, to imprisonment for a term not to exceed three months, and in addition shall pay to the Minimum Wage Board, on behalf of the Provincial Treasurer, or of the employee in the discretion of the magistrate, the full amount of the wages then found to be unpaid under the provisions of the schedule and in default of payment the said amount of wages may be recoverable by distress at the instance of the Minimum Wage Board.



Violation.

**17.**—(1) No employee shall agree or consent to be employed for wages or remuneration of a sum less than he is entitled to by any schedule nor shall any employee work a greater number of hours in each day, or a greater number of days in each week than is prescribed by any schedule, which schedules apply to the industry in which the employee or employer is engaged and the zone in which the employer's business is located or in which the work is performed.

Penalty.

(2) Everyone who violates any of the provisions of subsection 1 shall be guilty of an offence and shall be liable to a fine of not less than \$1 and not exceeding \$10 and in default of payment to not more than ten days imprisonment.

Violation of Act to be offence.

(3) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence under this Act and shall, upon conviction, where no penalty has been specifically provided, be liable to a fine of not less than \$1 and not exceeding \$100 and in default of payment, to imprisonment for not more than thirty days.

Recovery of penalties.,  
Rev. Stat.,  
c. 121.

(4) Every penalty imposed for an offence under this Act shall be recoverable under *The Summary Convictions Act*.

Application of other Acts.

Rev. Stat.,  
cc. 175, 176,  
177, 277;  
1932, cc. 20,  
35; 1934,  
c. 66.

**18.**—(1) The provisions of *The Factory, Shop and Office Building Act, 1932*, *The Master and Servant Act*, *The Minimum Wage Act*, *The Public and Other Works Wages Act*, *The Wages Act*, *The Industrial Disputes Investigation Act, 1932*, and *The Woodmen's Employment Act, 1934*, shall be read and construed subject to the provisions of this Act, but in no case shall the wages prescribed by any schedule to this Act be for a less amount nor shall the hours of labour prescribed by any schedule to this Act be for a greater number of hours in each day or days in each week than is prescribed by any of such Acts.

Wages of women and girls.

(2) The wage rates for women and girls prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour in each week be greater than is provided in *The Minimum Wage Act* or *The Factory, Shop and Office Building Act, 1932*, and the regulations thereunder.

Rev. Stat.,  
c. 277; 1932,  
c. 35.

Wages of apprentices,  
1928, c. 25.

(3) The wage rates for apprentices to whom *The Apprenticeship Act, 1928*, applies shall be the rates provided under the said Act and the regulations thereunder.

Where Act not to apply.

**19.** This Act shall not extend to persons employed by the Government of the Province of Ontario or by any of the Departments thereof or to any municipal corporation or by







any board or commission created by any Act of this Legislature.

Commence-  
ment of Act.

**20.** This Act shall come into force on the day upon which it receives the Royal Assent.







An Act respecting Industrial Standards.

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*1st Reading*

March 22nd, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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No. 75

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Industrial Standards.

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MR. ROEBUCK

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# BILL

## An Act respecting Industrial Standards.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Industrial Standards Act, 1935*.
- Interpretation.      **2.** In this Act,—
- Association of Employees.      (a) "Association of Employees" shall mean a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers;
- Deputy Minister.      (b) "Deputy Minister" shall mean the Deputy Minister of Labour;
- Employee.      (c) "Employee" shall mean and include every person engaged in any industry who is in receipt of or entitled to compensation for labour performed in Ontario whether such labour is performed on the premises of the employer or of the employee or elsewhere and whether such compensation is on the basis of time or of the amount of work performed or piece work, but shall not include domestic servants;
- Employer.      (d) "Employer" shall mean and include every person, corporation, partnership, firm, manager, representative, principal, agent, contractor, and subcontractor, directly or indirectly responsible for the payment of wages to an employee;
- Industry.      (e) "Industry" shall mean and include every business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof in which there are employees and employers except the mining and agricultural industries;

- (f) "Minister" shall mean the Minister of Labour or <sup>Minister.</sup> such member of the Executive Council as is for the time being charged with the administration of this Act;
- (g) "Officer" shall mean Industrial Standards Officer <sup>Officer.</sup> appointed under the authority of this Act;
- (h) "Regulations" shall mean the regulations made by <sup>Regulations.</sup> the Lieutenant-Governor in Council under the authority of this Act;
- (i) "Schedule" shall include schedule of wages and <sup>Schedule.</sup> schedule of hours of labour;
- (j) "Schedule of Hours of Labour" shall mean a schedule <sup>Schedule of hours of labour.</sup> of the maximum number of hours in each day or of days in each week, or of both, which an employee shall be permitted to work;
- (k) "Schedule of Wages" shall mean a schedule of the <sup>Schedule of Wages.</sup> minimum wages or remuneration payable to an employee.

## PART I.

3. The Lieutenant-Governor in Council may appoint one <sup>Appointment of Industrial Standards Officer.</sup> or more persons as Industrial Standards Officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules.
4. Every officer shall have such powers and duties as may <sup>Powers and duties of officer.</sup> be prescribed by this Act and regulations and shall have authority to conduct enquiries and investigations respecting all matters coming within the scope of this Act and of the regulations and shall, for such purposes, have all the powers, rights and privileges as a commissioner appointed under *The Public Enquiries Act.* <sup>Rev. Stat., c. 20.</sup>

5. The Minister may define and redefine zones in the <sup>Establishment of zones.</sup> various industries for the purpose of carrying out the provisions of this Act and the regulations.

6. The Minimum Wage Board shall have authority to <sup>Powers of Minimum Wage Board.</sup> enforce the provisions of this Act and of the regulations and schedules. <sup>Rev. Stat., c. 277,</sup>

## PART II.

7. The Minister may, upon the petition of representatives <sup>Convening of conference on petition.</sup> of employees or employers in any industry, convene a con-

ference or series of conferences of employees and employers engaged in such industry in any one or more zones, for the purpose of investigating or considering the condition of labour and the practices prevailing in such industry and for negotiating standard or uniform rates of wages and hours and days of labour in each industry in said zone or zones.

Formulation  
of schedules.

8. The employees and employers in attendance may formulate and agree upon a schedule of wages and of hours of labour for all or any class of employees in such industry within such zone or zones and the parties to every agreement entered into under the authority of this Act shall assist in maintaining the standard of wages and hours and days of labour provided for by any schedule affecting such parties.

Power to  
declare  
schedules  
in force.

9. If, in the opinion of the Minister a schedule of wages and of hours of labour for any industry is agreed upon in writing by a proper and sufficient representation of employees and of employers, he may approve thereof, and upon his recommendation, the Lieutenant-Governor in Council may declare such schedule to be in force for a period not exceeding twelve months and thereupon such schedule shall be binding upon every employee and employer in such industry in such zone or zones to which such schedule applies.

Publication  
in *Ontario  
Gazette*.

10. No such schedule shall become effective until ten days after publication of the order-in-council in the *Ontario Gazette*.

Posting of  
schedule.

11. Every employer affected by any schedule shall cause a copy of such schedule to be posted in a conspicuous place where his employees are engaged in their duties so that the same may be readily seen and read by all employees and further shall cause such schedule to be there maintained so long as it remains in force.

### PART III.

Power to  
declare  
members of  
partnerships  
and associa-  
tions.

12. The Minister may investigate and enquire into any partnership or association and if he considers any such partnership or association is being used for the purpose of defeating the provisions of this Act or the regulations, he may, in writing, declare any or every partner or member of such partnership or association an employee for the purpose of this Act and the regulations.

13. Whenever a schedule is in force, the Minimum Wage Board may require any employer affected thereby to,—

Furnishing  
of informa-  
tion by  
employers.

(a) furnish the name, address and age of all employees and such further information respecting wages,



hours and days and conditions of labour as may be required;

- (b) produce for inspection at a place named by the Board any books, registers, pay-rolls, financial statements, attendance records, time records, contracts of employment and all such records as may be deemed necessary.
- Production of records and furnishing of copies by employers.

**14.** The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof and such regulations shall be published in the *Ontario Gazette*, and upon being so published shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time and such repeal, alterations or amendment shall be published in the *Ontario Gazette* and upon being so published shall have the same force and effect as if enacted in this Act.

Regulations.

**15.** In every zone or group of zones to which any schedule applies, the employees and employers engaged in the industry to which such schedule applies may establish a board of not more than five members, one of whom may act as chairman, and such board shall hear complaints of employees and employers to whom such schedule applies, and shall generally assist in enforcing such schedule.

Establishment of Board.

**16.—(1)** No employer shall pay or cause to be paid to any employee wages or remuneration of a sum less than is prescribed by any schedule nor shall he require or permit any employee to work a greater number of hours in each day or a greater number of days in each week than is prescribed by any schedule, which schedules apply to the industry in which the employee or employer is engaged and to the zone in which the employer's business is located or in which the work is performed.

Violation of schedule by employer.

(2) Everyone who violates any of the provisions of subsection 1 shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$100, and in default of payment, to imprisonment for a term not to exceed three months, and in addition shall pay to the Minimum Wage Board, on behalf of the Provincial Treasurer, or of the employee in the discretion of the magistrate, the full amount of the wages then found to be unpaid under the provisions of the schedule and in default of payment the said amount of wages may be recoverable by distress at the instance of the Minimum Wage Board.

Penalty.

Violation.

**17.**—(1) No employee shall agree or consent to be employed for wages or remuneration of a sum less than he is entitled to by any schedule nor shall any employee work a greater number of hours in each day, or a greater number of days in each week than is prescribed by any schedule, which schedules apply to the industry in which the employee or employer is engaged and the zone in which the employer's business is located or in which the work is performed.

Penalty.

(2) Everyone who violates any of the provisions of subsection 1 shall be guilty of an offence and shall be liable to a fine of not less than \$1 and not exceeding \$10 and in default of payment to not more than ten days imprisonment.

Violation of Act to be offence.

(3) Every person who violates any of the provisions of this Act or the regulations shall be guilty of an offence under this Act and shall, upon conviction, where no penalty has been specifically provided, be liable to a fine of not less than \$1 and not exceeding \$100 and in default of payment, to imprisonment for not more than thirty days.

Recovery of penalties., Rev. Stat., c. 121.

(4) Every penalty imposed for an offence under this Act shall be recoverable under *The Summary Convictions Act*.

Application of other Acts.

Rev. Stat., cc. 175, 176, 177, 277; 1932, cc. 20, 35; 1934, c. 66.

**18.**—(1) The provisions of *The Factory, Shop and Office Building Act, 1932*, *The Master and Servant Act*, *The Minimum Wage Act*, *The Public and Other Works Wages Act*, *The Wages Act*, *The Industrial Disputes Investigation Act, 1932*, and *The Woodmen's Employment Act, 1934*, shall be read and construed subject to the provisions of this Act, but in no case shall the wages prescribed by any schedule to this Act be for a less amount nor shall the hours of labour prescribed by any schedule to this Act be for a greater number of hours in each day or days in each week than is prescribed by any of such Acts.

Wages of women and girls.

Rev. Stat., c. 277; 1932, c. 35.

(2) The wage rates for women and girls prescribed by any schedule shall not be for lesser amounts nor shall the number of hours of labour in each day or the number of days of labour in each week be greater than is provided in *The Minimum Wage Act* or *The Factory, Shop and Office Building Act, 1932*, and the regulations thereunder.

Wages of apprentices, 1928, c. 25.

(3) The wage rates for apprentices to whom *The Apprenticeship Act, 1928*, applies shall be the rates provided under the said Act and the regulations thereunder.

Where Act not to apply.

**19.** This Act shall not extend to persons employed by the Government of the Province of Ontario or by any of the Departments thereof or to any municipal corporation or by

any board or commission created by any Act of this Legislature.

**20.** This Act shall come into force on the day upon which <sup>Commence-</sup>  
it receives the Royal Assent. <sup>ment of Act.</sup>



BILL

An Act respecting Industrial Standards.

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*1st Reading*

March 22nd, 1935

*2nd Reading*

April 9th, 1935

*3rd Reading*

April 12th, 1935

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MR. ROEBUCK

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No. 76

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

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MR. HEPBURN

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No. 76

1935

# BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Temiskaming and Northern Ontario Railway Amendment Act, 1935*.

Rev. Stat.,  
c. 53, s. 2,  
subs. 1,  
re-enacted.

2.—(1) Subsection 1 of section 2 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Board,—  
how  
composed.

(1) The body corporate heretofore established under *The Temiskaming and Northern Ontario Railway Act* is continued and shall be composed of one or more persons appointed by the Lieutenant-Governor in Council, who shall hold office during pleasure.

Rev. Stat.,  
c. 53, s. 2,  
subs. 3,  
repealed.

(2) Subsection 3 of the said section 2 is repealed.

Rev. Stat.,  
c. 53, s. 4,  
amended.

3. Section 4 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding at the commencement thereof the words "Where the Commission is composed of more than one person" so that the said section shall now read as follows:

Chairman,  
Vice-  
Chairman.

4. Where the Commission is composed of more than one person the Lieutenant-Governor in Council may from time to time designate one of the Commissioners to be Chairman of the Commission and one of the Commissioners to be Vice-Chairman of the Commission.

Rev. Stat.,  
c. 53, s. 5,  
re-enacted.

4. Section 5 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Travelling  
expenses  
and  
honorarium.

5. The Chairman and each of the Commissioners shall receive his actual travelling expenses and other disbursements properly incurred in discharging his

#### EXPLANATORY NOTES

The Act at present provides for a Commission composed of not more than five nor less than three persons. This number is considered unnecessary and the Bill provides for a Commission of one or more persons at a salary to be set by the Lieutenant-Governor in Council.

Section 2.—(1) The amendment made by this subsection reduces the number of commissioners to "one or more," whereas the present Act provides for "not more than five nor less than three," and provides that the commissioners shall hold office during pleasure.

Section 2.—(2) This repeals subsection 3 of section 2 as it is thought the commissioners should be persons not connected in any way with the Government.

Section 3. This amendment is necessary by reason of the amendment made by subsection 1 of section 2 of the Bill which provides that the Commission may be composed of "one or more" persons. The appointment of a chairman and vice-chairman could only be made where the Commission is composed of more than one person.

Section 4. The new section 5 provides for the payment of a salary to the commissioners, the amount to be in the discretion of the Lieutenant-Governor in Council.

duties, and such salary or remuneration, not exceeding \$9,000, as the Lieutenant-Governor in Council may direct.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Temiskaming and  
Northern Ontario Railway Act.

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*1st Reading*

March 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

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MR. HEPBURN

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# BILL

## An Act to amend The Temiskaming and Northern Ontario Railway Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Temiskaming and Northern Ontario Railway Amendment Act, 1935*.

Rev. Stat.,  
c. 53, s. 2,  
subs. 1,  
re-enacted.

2.—(1) Subsection 1 of section 2 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Board,—  
how  
composed.

(1) The body corporate heretofore established under *The Temiskaming and Northern Ontario Railway Act* is continued and shall be composed of one or more persons appointed by the Lieutenant-Governor in Council, who shall hold office during pleasure.

Rev. Stat.,  
c. 53, s. 2,  
subs. 3,  
repealed.

(2) Subsection 3 of the said section 2 is repealed.

Rev. Stat.,  
c. 53, s. 4,  
amended.

3. Section 4 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding at the commencement thereof the words "Where the Commission is composed of more than one person" so that the said section shall now read as follows:

Chairman,  
Vice-  
Chairman.

4. Where the Commission is composed of more than one person the Lieutenant-Governor in Council may from time to time designate one of the Commissioners to be Chairman of the Commission and one of the Commissioners to be Vice-Chairman of the Commission.

Rev. Stat.,  
c. 53, s. 5,  
re-enacted.

4. Section 5 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Travelling  
expenses  
and  
honorarium.

5. The Chairman and each of the Commissioners shall receive his actual travelling expenses and other disbursements properly incurred in discharging his

duties, and such salary or remuneration, not exceeding \$9,000, as the Lieutenant-Governor in Council may direct.

5. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commence-  
ment of  
Act.</sup>



BILL

An Act to amend The Temiskaming and  
Northern Ontario Railway Act.

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*1st Reading*

March 25th, 1935

*2nd Reading*

April 9th, 1935

*3rd Reading*

April 12th, 1935

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Liquor Control Act.

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MR. HEPBURN

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No. 77

1935

# BILL

## An Act to amend The Liquor Control Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Liquor Control Amendment Act, 1935*.

Rev. Stat.,  
c. 257,  
s. 10,  
subs. 2,  
cl. o,  
re-enacted.

2. Clause o of subsection 2 of section 10 of *The Liquor Control Act* is repealed and the following substituted therefor:

Fees.

(o) Prescribing the fees payable in respect of permits, licenses and authorities issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or manufacturer of native wine.

Rev. Stat.,  
c. 257, s. 22,  
re-enacted.

3. Section 22 of *The Liquor Control Act* is repealed and the following substituted therefor:

Audit of  
receipts.

22. The receipts of the Board from all sources shall be checked and audited at least once in every calendar month by the Provincial Auditor or such other person as may be designated by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 257, s. 68,  
re-enacted.

4. Section 68 of *The Liquor Control Act* as amended by section 13 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

Stores  
not to be  
established  
nor beer  
or wine  
sold where  
C.T.A. in  
force.

68. Nothing contained in this Act shall be construed as interfering with the operation of the *Canada Temperance Act* applicable to any part of Ontario, and no Government store shall be established, and beer and wine shall not be sold under the provisions of this Act and the regulations in any municipality in which the *Canada Temperance Act* has been brought into force and is still in force.

Rev. Stat.,  
c. 257, s. 69,  
subs. 1,  
re-enacted.

5.—(1) Subsection 1 of section 69 of *The Liquor Control Act* as amended by subsection 1 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

#### EXPLANATORY NOTES

Section 2. Gives authority to the Board to prescribe the tax and license fees to be paid by brewers, distillers and manufacturers of native wine, and also to prescribe the fees payable in respect of individual permits and authorities.

Section 3. Section 22 as re-enacted provides that the receipts of the Board shall be checked by the Provincial Auditor or such other person as may be designated by the Lieutenant-Governor in Council. Heretofore, the Provincial Auditor, or some officer of his Department, has made the audit and it is desirable that outside auditors be appointed for this work.

Section 4. Section 68, as re-enacted, provides that Government stores shall not be established nor beer or wine sold in any municipality in which the *Canada Temperance Act* has been brought into force and is still in force.

Section 5. Section 69 of *The Liquor Control Act* at present provides that a vote may be taken on seven express questions. This has been the cause of considerable confusion and the amendments provide that only two questions may be voted upon—(a) the establishment of Government stores; and (b) the sale of beer and wine by authority holders. An affirmative vote under question (b) will give the Board jurisdiction to issue authorities for the sale of beer and wine, and to establish brewers' warehouses and branch offices for native wineries.

Local  
option  
by-laws.

- (1) Except as provided by this Act and the regulations no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish Government stores or for the sale of beer and wine under the provisions of this Act and the regulations in the manner herein provided.

Rev. Stat.,  
c. 257, s. 69,  
subs. 2,  
re-enacted.

- (2) Subsection 2 of the said section 69 as amended by subsection 1 of section 6 of *The Liquor Control Amendment Act, 1929*, and subsections 2, 3 and 4 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

Submission  
of question.

- (2) The council of any municipality in which such by-law was in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, one of the following questions:

- (a) Are you in favour of the establishment of Government stores for the sale of liquor under *The Liquor Control Act*?

or

- (b) Are you in favour of the sale of beer and wine under the provisions of *The Liquor Control Act*?

and if a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit either of the said questions is filed with the clerk of the municipality and with the Board, it shall be the duty of the council to submit such question and no other to a vote of the electors, and if three-fifths of the electors voting upon the said question vote in the affirmative thereon it shall be lawful to establish Government stores in the municipality for the sale of liquor and it shall also be lawful for the Board to authorize the sale of beer and wine in such municipality under the provisions of this Act, and the regulations as the case may be, until another vote is taken as herein-after provided.





- (i) Not more than one of such questions shall be submitted to the electors of any municipality at one time; and
- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.

Rev. Stat.,  
c. 257, s. 69,  
subs. 3,  
re-enacted.

(3) Subsection 3 of the said section 69 as amended by subsections 5, 6 and 7 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

Submission  
of question  
of dis-  
continuance  
of stores.

- (3) Where a Government store or stores has or have been established or where the sale of beer and wine under the provisions of this Act and the regulations is authorized in any municipality, the council may, as provided in subsection 2, and subject to the same provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable under the existing circumstances:

- (a) Are you in favour of the continuance of Government stores for the sale of liquor under *The Liquor Control Act*?

or

- (b) Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Control Act*?

and if three-fifths of the electors voting thereon vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or in the case of question (b), if three-fifths of the electors voting thereon vote in the negative, from and after the expiration of two months from the date of voting, the sale of beer and wine shall be discontinued and it shall be unlawful thereafter and until another vote is taken as hereinafter provided, to sell liquor in such municipality.

Rev. Stat.,  
c. 257, s. 69,  
subs. 18,  
re-enacted.

(4) Subsection 18 of the said section 69 as amended by subsection 8 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

Form of  
ballot.

- (18) The form of ballot to be used in taking the vote under this section shall be one of the following according to the circumstances:



## (FRONT)

1.

		Are you in favour of the establishment of Government stores for the sale of liquor under The Liquor Control Act?	YES
			NO

2.

		Are you in favour of the sale of beer and wine under the provisions of The Liquor Control Act?	YES
			NO

3.

		Are you in favour of the continuance of Government stores for the sale of liquor under The Liquor Control Act?	YES
			NO

4.

		Are you in favour of the continuance of the sale of beer and wine under the provisions of The Liquor Control Act?	YES
			NO

## (BACK)

No. 325

(Line of perforations here)

No. 325

Poll Book No. . . . .

(Line of perforations here)

.....  
D.R.O. Initials

Municipality of  
Carleton Place  
November 24, 1900  
John Jones, Printer  
Carleton Place.





Rev. Stat.,  
c. 257, s. 69,  
amended.

(5) The said section 69 is further amended by adding thereto the following subsections:

Authorities  
for beer  
and wine,—  
issue of

(19) Notwithstanding anything contained in this Act or the regulations the Board may issue authorities for the sale of beer and wine in any municipality or portion thereof in which a Government store has heretofore been established under the provisions of this Act pursuant to a vote of the qualified electors without any further vote being taken.

Where  
validity  
of vote  
questioned.

(20) Notwithstanding anything contained in this or any other Act where the validity of a vote on any question submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or master in chambers may direct.

Rev. Stat.,  
c. 233.

Rev. Stat.,  
c. 257, s. 69j  
(1934,  
c. 26, s. 2),  
re-enacted.

6. Section 69j of *The Liquor Control Act* as enacted by section 2 of *The Liquor Control Act, 1934*, is amended by adding thereto the following subsection:

Sale or con-  
sumption  
by minors  
prohibited.

(4) No person under the age of twenty-one years shall have, purchase or consume beer or wine on any authorized premises.

Rev. Stat.,  
c. 257,  
amended.

7. The *Liquor Control Act* is amended by adding thereto the following section:

Remission  
of portion  
of fees to  
municipality.

69o. The Board may remit to any municipality in which authorities for the sale of beer and wine have been issued, such portion of the fees payable to the Board by the holders of authorities in such municipality as may be fixed from time to time by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 257,  
amended.

8. *The Liquor Control Act* is amended by adding thereto the following section:

First  
offence,—  
what to  
be deemed.

99a. Any violation of the provisions of this Act or the regulations by any person shall be charged as a first offence notwithstanding such person has been previously convicted of an offence against the provisions of this Act or the regulations, provided, however, that such violation by such person shall be charged as a first offence only if the previous conviction occurred more than one year previous to the date of such violation.

The subsection 19 which it is proposed to add to section 69 provides that where a Government store has been established pursuant to a vote held in a local option district, the Board may issue authorities for the sale of beer and wine without the necessity of a further vote being taken.

*The Controverted Elections Act* does not apply to *The Liquor Control Act* and the new subsection 20 which it is proposed to add to section 69 provides that Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply where the authority of a vote under *The Liquor Control Act* is questioned.

Section 6. Subsection 4 which it is proposed to add to section 69j of *The Liquor Control Act* makes it an offence for any minor to have, purchase or consume beer or wine on the premises of an authority holder.

Section 7. Section 69o which it is proposed to add to *The Liquor Control Act* gives the Board authority to remit to any municipality a portion of the authority fees, such portion to be determined by the Lieutenant-Governor in Council.

Section 8. The new section 99a which it is proposed to add to *The Liquor Control Act* provides that any person who violates the provisions of the Act and has been previously convicted of an offence against the Act, shall be charged as a first offender only if the previous conviction took place more than one year prior to the violation for which he is being charged.



Rev. Stat.,  
c. 257, s. 124,  
re-enacted.

**9.** Section 124 of *The Liquor Control Act* is repealed and the following substituted therefor:

Penalties,—  
recovery of

Rev. Stat.,  
c. 121.

**124.** Except as otherwise provided in this Act the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder.

Commence-  
ment of  
Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent.

Section 9. The present section 124 of *The Liquor Control Act* provides that no justice has the power to suspend the imposition of penalties under the Act.

The section as re-enacted does not contain this provision and will give the magistrate power to place the accused on probation or to suspend sentence.





BILL

An Act to amend The Liquor Control  
Act.

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*1st Reading*

March 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Liquor Control Act.

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MR. HEPBURN

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No. 77

1935

# BILL

## An Act to amend The Liquor Control Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Liquor Control Amendment Act, 1935*.

Rev. Stat.,  
c. 257,  
s. 10,  
subs. 2,  
cl. o,  
re-enacted.

**2.** Clause *o* of subsection 2 of section 10 of *The Liquor Control Act* is repealed and the following substituted therefor:

Fees.

(o) Prescribing the fees payable in respect of permits, licenses and authorities issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or manufacturer of native wine.

Rev. Stat.,  
c. 257, s. 22,  
re-enacted.

**3.** Section 22 of *The Liquor Control Act* is repealed and the following substituted therefor:

Audit of  
receipts.

**22.** The receipts of the Board from all sources shall be checked and audited at least once in every calendar month by the Provincial Auditor or such other person as may be designated by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 257, s. 68,  
re-enacted.

**4.** Section 68 of *The Liquor Control Act* as amended by section 13 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

Stores  
not to be  
established  
nor beer  
or wine  
sold where  
C.T.A. in  
force.

**68.** Nothing contained in this Act shall be construed as interfering with the operation of the *Canada Temperance Act* applicable to any part of Ontario, and no Government store shall be established, and beer and wine shall not be sold under the provisions of this Act and the regulations in any municipality in which the *Canada Temperance Act* has been brought into force and is still in force.

Rev. Stat.,  
c. 257, s. 69,  
subs. 1,  
re-enacted.

**5.—(1)** Subsection 1 of section 69 of *The Liquor Control Act* as amended by subsection 1 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

- (1) Except as provided by this Act and the regulations <sup>Local option by-laws.</sup> no Government store shall be established by the Board for the sale of liquor, and beer and wine shall not be sold in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or under any other Act, was in force prohibiting the sale of liquor by retail unless and until a vote has been taken to establish Government stores or for the sale of beer and wine under the provisions of this Act and the regulations in the manner herein provided.
- (2) Subsection 2 of the said section 69 as amended by <sup>Rev. Stat., c. 257, s. 69, subs. 2, re-enacted.</sup> subsection 1 of section 6 of *The Liquor Control Amendment Act, 1929*, and subsections 2, 3 and 4 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:
- (2) The council of any municipality in which such by-law <sup>Submission of question.</sup> was in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, one of the following questions:
- (a) Are you in favour of the establishment of Government stores for the sale of liquor under *The Liquor Control Act*?
- or
- (b) Are you in favour of the sale of beer and wine under the provisions of *The Liquor Control Act*?

and if a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit either of the said questions is filed with the clerk of the municipality and with the Board, it shall be the duty of the council to submit such question and no other to a vote of the electors, and if three-fifths of the electors voting upon the said question vote in the affirmative thereon it shall be lawful to establish Government stores in the municipality for the sale of liquor and it shall also be lawful for the Board to authorize the sale of beer and wine in such municipality under the provisions of this Act, and the regulations as the case may be, until another vote is taken as herein-after provided.

- (i) Not more than one of such questions shall be submitted to the electors of any municipality at one time; and
- (ii) Where petitions are presented praying for the submission of different questions, the question to be submitted shall be that asked for in the first petition filed.

Rev. Stat.,  
c. 257, s. 69,  
subs. 3,  
re-enacted.

(3) Subsection 3 of the said section 69 as amended by subsections 5, 6 and 7 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

Submission  
of question  
of dis-  
continuance  
of stores.

- (3) Where a Government store or stores has or have been established or where the sale of beer and wine under the provisions of this Act and the regulations is authorized in any municipality, the council may, as provided in subsection 2, and subject to the same provisions and on petition as in the case provided for by the said subsection, shall submit to the electors in the same manner, whichever of the following questions may be applicable under the existing circumstances:

- (a) Are you in favour of the continuance of Government stores for the sale of liquor under *The Liquor Control Act*?

or

- (b) Are you in favour of the continuance of the sale of beer and wine under the provisions of *The Liquor Control Act*?

and if three-fifths of the electors voting on question (a) vote in the negative, from and after the 31st day of March in the next following year, any Government store established in the municipality shall be closed, or in the case of question (b), if three-fifths of the electors voting thereon vote in the negative, from and after the expiration of two months from the date of voting, the sale of beer and wine upon authorized premises shall be discontinued.

Rev. Stat.,  
c. 257, s. 69,  
subs. 18,  
re-enacted.

(4) Subsection 18 of the said section 69 as amended by subsection 8 of section 14 of *The Liquor Control Act, 1934*, is repealed and the following substituted therefor:

Form of  
ballot.

- (18) The form of ballot to be used in taking the vote under this section shall be one of the following according to the circumstances:

(FRONT)

1.

		Are you in favour of the establishment of Government stores for the sale of liquor under The Liquor Control Act?	YES
			NO

2.

		Are you in favour of the sale of beer and wine under the provisions of The Liquor Control Act?	YES
			NO

3.

		Are you in favour of the continuance of Government stores for the sale of liquor under The Liquor Control Act?	YES
			NO

4.

		Are you in favour of the continuance of the sale of beer and wine under the provisions of The Liquor Control Act?	YES
			NO

(BACK)

No. 325

(Line of perforations here)

No. 325

Poll Book No . . . .

(Line of perforations here)

.....  
D.R.O. Initials

Municipality of  
Carleton Place  
November 24, 1900  
John Jones, Printer  
Carleton Place.



Rev. Stat.,  
c. 257, s. 69,  
amended.

(5) The said section 69 is further amended by adding thereto the following subsections:

Authorities  
for beer  
and wine,—  
issue of

(19) Notwithstanding anything contained in this Act or the regulations the Board may issue authorities for the sale of beer and wine in any municipality or portion thereof in which a Government store has heretofore been established under the provisions of this Act pursuant to a vote of the qualified electors without any further vote being taken.

Where  
validity  
of vote  
questioned.

(20) Notwithstanding anything contained in this or any other Act where the validity of a vote on any question submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or master in chambers may direct.

Rev. Stat.,  
c. 233.

Rev. Stat.,  
c. 257, s. 69j  
(1934,  
c. 26, s. 2),  
re-enacted.

6. Section 69j of *The Liquor Control Act* as enacted by section 2 of *The Liquor Control Act, 1934*, is amended by adding thereto the following subsection:

Sale or con-  
sumption  
by minors  
prohibited.

(4) No person under the age of twenty-one years shall have, purchase or consume beer or wine on any authorized premises.

Rev. Stat.,  
c. 257,  
amended.

7. *The Liquor Control Act* is amended by adding thereto the following section:

Remission  
of portion  
of fees to  
municipality.

69o. The Board may remit to any municipality in which authorities for the sale of beer and wine have been issued, such portion of the fees payable to the Board by the holders of authorities in such municipality as may be fixed from time to time by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 257,  
amended.

8. *The Liquor Control Act* is amended by adding thereto the following section:

First  
offence,—  
what to  
be deemed.

99a. Any violation of the provisions of this Act or the regulations by any person shall be charged as a first offence notwithstanding such person has been previously convicted of an offence against the provisions of this Act or the regulations, provided, however, that such violation by such person shall be charged as a first offence only if the previous conviction occurred more than one year previous to the date of such violation.

9. Section 124 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 257, s. 124,  
re-enacted.

124. Except as otherwise provided in this Act the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder. Penalties,—  
recovery of  
Rev. Stat.,  
c. 121.

10. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.



BILL

An Act to amend The Liquor Control  
Act.

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*1st Reading*

March 25th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 16th, 1935

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Woodmen's Employment Act.

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MR. ROWLANDSON

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No. 78

1935

# BILL

An Act to amend The Woodmen's Employment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Woodmen's Employment Amendment Act, 1935*.

1934,  
c. 66,  
amended.      **2.** *The Woodmen's Employment Act, 1934*, is amended by adding thereto the following section:

Timber,—  
prohibition  
as to  
moving,  
etc., where  
more than  
four feet  
in length.

6a.—(1) No operator shall require or permit any employee to lift, move or transport by human muscular power any log or timber of a greater length than four feet.

Penalty.

(2) Everyone who violates any of the provisions of subsection 1 shall be guilty of an offence and shall for a first offence be liable to a fine of not less than \$50 nor more than \$100; and for a second offence to a fine of not less than \$100 nor more than \$500; and for a third offence the license, permit, contract, agreement or other instrument granted or made by the Crown under which exists the right to cut and remove Crown timber shall be cancelled.

Authority  
to cancel  
license,  
etc.

(3) For the purpose of this section every magistrate and justice of the peace shall have authority to cancel any such license, permit, contract, agreement or other instrument.

Duty of  
operator  
as to  
posting up  
copies of  
section 6a.

(4) Every operator shall cause copies of this section to be posted in conspicuous places wherever lumbering operations are being carried on under any license, permit, contract, agreement or other instrument granted or made by the Crown and held by such operator.

#### EXPLANATORY NOTE

The purpose of the Bill is to prevent lumber operators from requiring men to handle logs of a size that should be handled by machine or horse power.

Penalty.

- (5) Everyone who violates the provisions of subsection 4 shall be guilty of an offence and for a first offence be liable to a fine of not less than \$10 nor more than \$25 and for every subsequent offence to a fine of not less than \$25 nor more than \$100.

Recovery of  
penalties.  
Rev. Stat.,  
c. 121.

- (6) Every penalty imposed for any offence under the provisions of this Act shall be recoverable under *The Summary Convictions Act*.

Commence-  
ment of  
Act.

- 3.** This Act shall come into force on the day upon which it receives the Royal Assent.









An Act to amend The Woodmen's  
Employment Act.

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*1st Reading*

March 25th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROWLANDSON

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Assessment Act.

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MR. BAKER

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No. 79

1935

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238, s. 4,  
par. 4,  
re-enacted.

1. Paragraph 4 of section 4 of *The Assessment Act* is repealed and the following substituted therefor:

Seminaries  
of learning.

4. The land not exceeding twenty acres of a seminary of learning maintained and actually and *bona fide* occupied and used for philanthropic, religious or educational purposes, the whole revenues from which seminary are devoted or applied to such purposes, but such exemption shall not apply to any land which is in the occupation of any lessee or tenant or of any person who receives or is entitled to receive any part of the revenues derivable therefrom or to any land which is not in the sole and exclusive occupancy of the seminary and put to some actual philanthropic, religious or educational use.

Commence-  
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

In many of the municipalities of Ontario a considerable acreage of land has been acquired and is held by seminaries of learning and in many cases a goodly portion thereof is not in actual use for the purpose of carrying on any philanthropic, religious or educational undertaking thereon.

All of this property becomes exempt from municipal taxation under the provisions of the existing paragraph 4 of section 4 of *The Assessment Act* and the exemptions have now reached a point where they become somewhat alarming to the municipality.

The object of this Bill is to reduce such exemptions to a reasonable scale by providing that not more than twenty acres of the property of any seminary will be exempt and to limit the exemption to such lands as are actually devoted and used for the purposes of a seminary.

This Bill will therefore make taxable, for instance, lands held by a seminary which are used for ordinary farm purposes, etc.



BILL

An Act to amend The Assessment Act.

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*1st Reading*

March 27th, 1935

*2nd Reading*

*3rd Reading*

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MR. BAKER

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No. 80

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Highway Improvement Act.

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MR. MCQUESTEN

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TORONTO  
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No. 80

1935

# BILL

An Act to amend The Highway Improvement Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Highway Improvement Amendment Act, 1935*.

Rev. Stat.,  
c. 54, s. 8,  
subs. 1,  
cl. (b),  
amended.      **2.**—(1) Clause *b* of subsection 1 of section 8 of *The Highway Improvement Act* is amended by striking out the words “of Part V” in the sixth and seventh lines, so that the said clause shall now read as follows:

Highway  
Improvement  
Fund,—  
how  
made up.

(b) a sum equal to all repayments to the Province on account of amounts chargeable to or received from municipalities, individuals, companies or corporations by reason of any work performed or expenditures incurred or materials or property sold or fees or fines imposed under any of the provisions of this Act and the regulations made thereunder.

Rev. Stat.,  
c. 54, s. 8,  
subs. 1,  
amended.      (2) Subsection 1 of the said section 8 is amended by adding thereto the following clause:

Highway  
Improvement  
Fund,—  
how  
made up.

(e) a sum equal to all revenues collected under any Acts administered by the Department or under the regulations passed under any such Acts.

Rev. Stat.,  
c. 54, s. 12,  
subs. 5,  
re-enacted.      **3.** Subsection 5 of section 12 of *The Highway Improvement Act* is repealed and the following substituted therefor:

County road  
superin-  
tendent.

(5) The administration and management of the county road system shall be vested in an officer to be appointed by by-law of the county council to be known as the county road superintendent, who shall be an engineer approved by the Minister, and the county road superintendent shall act under the direction of the county road committee.

#### EXPLANATORY NOTES

SECTION 2.—(1). The amendment requires all revenues derived under the provisions of this Act to be applied to the Highway Improvement Fund instead of only such revenues as are derived under Part V of the Act. The amendment authorizes what has been the practice in the past.

(2) Revenues derived by the Province from all Acts administered by the Department of Highways and the regulations under all such Acts are required to be credited to the Highway Improvement Fund.

SECTION 3. Every county road superintendent shall be appointed by by-law and a copy of every such by-law shall be sent to the Minister and shall be subject to his approval.

Qualifica-  
tions.

- (a) Every engineer hereafter appointed by the council of a county, in pursuance of this section shall be a graduate in civil engineering of a university of recognized standing, or a member of the Engineering Institute of Canada, or an Ontario land surveyor.

Copy of  
by-law  
appointing  
to be trans-  
mitted to  
Department.

- (b) A copy of the by-law appointing the county road superintendent shall be transmitted to the Department within thirty days of the passing thereof and such appointment shall be subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister.

Rev. Stat.,  
c. 54,  
amended.

4. *The Highway Improvement Act* is amended by adding thereto the following section:

Submission  
of by-law  
covering  
estimated  
expenditure.

- 16a.—(1) The corporation of the county shall submit a by-law covering the estimated expenditure on roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of January of the year in which the expenditure is to be made and such by-law shall include expenditures to be made by the suburban area commission in the said county.

Subsidy.

- (2) No subsidy shall be granted by the Department to any county for work undertaken by such county which has not been provided for by a by-law duly approved by the Minister.

Rev. Stat.,  
c. 54, s. 17,  
subs. 2,  
amended.

5. Subsection 2 of section 17 of *The Highway Improvement Act* is amended by inserting after the word "included" in the seventh line the words "but no expenditure towards which a special contribution has been or may be made from any source shall be included unless by agreement with the Department," so that the said subsection shall now read as follows:

Estimating  
grant.

- (2) In estimating the amount of the grant or subsidy to which the municipal corporation is entitled under this Act, the salary of the county road superintendent, his travelling expenses, the purchase of additional right-of-way, the laying and operation of railway switches and sidings, the purchase of property, plant, machinery and the repair thereof, and any other expenditure of a general character shall be included, but no expenditure towards which a special contribution has been or may be made from any source shall be included unless by agreement with the

SECTION 4. A by-law of the county council covering the expenditure estimated to be made on roads for the calendar year shall be sent to the Minister before the 31st day of January of the year covered, and no subsidy shall be granted by the Department for work not included in a by-law duly approved by the Minister. The amendment will greatly assist the Department in preparing its estimates.

SECTION 5. The amendment prevents a county including in its statement of expenditures (prepared for the purpose of estimating the grant or subsidy to which it is entitled) any gift or donation from a private source or a payment from the Dominion Government or another Department of the Government of Ontario.



Department, and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,  
c. 54, s. 28,  
subs. 5,  
re-enacted.

6. Subsection 5 of section 28 of *The Highway Improvement Act* as amended by section 3 of *The Highway Improvement Act, 1928*, and section 5 of *The Highway Improvement Act, 1930*, is repealed and the following substituted therefor:

Allowance  
in town or  
village.

- (5) An urban municipality situate within a county, but not separated therefrom for municipal purposes, whether there is or is not any such county road extension or connection in such urban municipality, shall be subject to the annual general levy for county road purposes under the by-law mentioned in section 12, but the council of the county shall on or before the 1st day of April in each year remit, in the case of a town, fifty per centum, and in the case of a village, seventy-five per centum, of the amount raised by such rate in the town or village in the previous year less the cost of the repairs, if any, done by the county upon such county road extension or connecting link or upon any road in such urban municipality included in the county road system during the previous year, and where the road in the urban municipality is not a part of the county road system the cost of repairs on such roads shall be borne by the county and urban municipality in such proportions as shall be provided for by an agreement entered into and approved by the Minister before the work is commenced.

How moneys  
to be  
expended.

- (a) Any moneys so received by the town or village shall be expended under the supervision of the county road superintendent upon streets in the municipality designated by the Minister, provided that where the Minister is of the opinion that it is unnecessary to expend the whole or any part of the moneys so received upon streets in the municipality, he may direct that the whole or any portion of such moneys may be applied in payment of any outstanding debentures issued to provide for paving streets in the municipality.

Vouchers  
to be sub-  
mitted to  
county  
treasurer.

- (b) Vouchers for all moneys expended by any town or village under the provisions of clause *a* shall be submitted to the county treasurer during the calendar year in which such moneys were received, and the provisions of subsection 1 of section 17 shall apply to all such expenditures.

SECTION 6. The amendment is introduced mainly to prevent a county from spending the money which is to be remitted to the urban municipalities, on roads of its own choosing and employing men of its own choosing. The urban municipality has the right to select both the work to be done and the men to be employed. The section is further amended so as to provide proof that all remittances from counties to urban municipalities have been properly expended on road work.

When  
rebate not  
to be made.

- (c) No such rebate shall be made for any year during which the construction or rebuilding of any such extension or connecting link has been in progress.

Rebate on  
road work  
in towns and  
villages.

- (d) In determining the amount of such rebate payable in the year 1931 and thereafter, the amount raised by the corporation of a town or village for the purpose of paying off its share of any debenture debt of the county shall not be considered.

Rev. Stat.,  
c. 54, s. 45,  
amended.

7. Section 45 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Submission  
of by-law  
covering  
estimated  
expenditure.

- (2) The council of a township shall submit a by-law covering the estimated expenditure on all road construction, improvement or repairs for the calendar year to the Department for the approval of the Minister not later than the 28th day of February of the year in which such expenditure is to be made and no subsidy shall be granted to any township in respect of work which has not been provided for by a by-law approved by the Minister.

Rev. Stat.,  
c. 54, s. 47,  
cl. (c),  
amended.

8. Clause c of section 47 of *The Highway Improvement Act* is amended by adding at the end thereof the words "and that it contains no item of expenditure whether for labour or materials for which actual cash was not paid to the persons performing the work or supplying the materials," so that the said clause shall now read as follows:

- (c) the declaration of the township treasurer that the statement of expenditure is true and correct and that it contains no item of expenditure whether for labour or materials for which actual cash was not paid to the persons performing the work or supplying the materials.

Rev. Stat.,  
c. 54, s. 49,  
amended.

9. Section 49 of *The Highway Improvement Act* is amended by striking out the word "by the Province" in the fifth line and inserting in lieu thereof the words "from any source except where a contrary provision is contained in any agreement entered into between the township and the Province," so that the said section shall now read as follows:

What  
amount  
not to be  
included  
in fixing  
subsidy.

49. Expenditure in respect of which aid may be granted under section 48 shall not include any amount levied in the township for county road purposes or any other road expenditure towards which a contribution has been paid, or may be payable from any source except

SECTION 7. The township council shall, before the 28th day of February, submit to the Minister for approval a by-law covering estimated expenditure on roads for each calendar year and no subsidy shall be allowed for work not included in an approved by-law. The amendment will be of great assistance to the Department in preparing its estimates.

SECTION 8. Statements of expenditure presented by a township council must contain only expenditures paid in cash and will eliminate the inclusion of credits given on account of unpaid taxes for work done.

SECTION 9. Donations and subsidies from private sources, the Government of Canada, and other Departments of the Government of Ontario are not to be included in the statement of expenditures except where permitted by an agreement with the Province.



where a contrary provision is contained in any agreement entered into between the township and the Province.

Rev. Stat.,  
c. 54,  
amended.

**10.** *The Highway Improvement Act* is amended by adding thereto the following section:

Vouchers.

50. Wherever a subsidy is applied for by any county or township, under any provision of this Act, vouchers covering all expenditures in respect of which such subsidy is applied for shall be furnished to the Department in a form satisfactory to the Minister.

Rev. Stat.,  
c. 54, s. 52,  
subs. 1,  
amended.

**11.** Subsection 1 of section 52 of *The Highway Improvement Act* is amended by inserting after the words "to be" in the third line the words "laid out," so that the said subsection shall now read as follows:

Highways  
may be  
assumed  
by the  
Province.

(1) The Lieutenant-Governor in Council, upon recommendation of the Minister, may designate any highway or a system of public highways throughout Ontario to be laid out, acquired, constructed, assumed, repaired, relocated, deviated, widened and maintained by the Minister for Ontario as The King's Highway.

Rev. Stat.,  
c. 54, s. 53,  
amended.

**12.** Section 53 of *The Highway Improvement Act* is amended by inserting after the word "every" in the first line the word "such," so that the said section shall now read as follows:

Vested  
in His  
Majesty.

53. Every such King's Highway and all property acquired by Ontario under this Act shall be vested in His Majesty and shall be under the control of the Department.

Rev. Stat.,  
c. 54, s. 54,  
subs. 1,  
amended.

**13.**—(1) Subsection 1 of section 54 of *The Highway Improvement Act* is amended by inserting after the word "desires" in the second line the words "to lay out a King's Highway or," so that the said subsection shall now read as follows:

Procedure  
for  
acquiring  
highway.

(1) Subject to the provisions of section 59, when the Minister desires to lay out a King's Highway or to acquire any existing highway under the authority of this Act, either temporarily or permanently, he shall deposit in the proper registry office a plan and description of the highway, signed by himself, or by the Deputy Minister, or by an Ontario land surveyor, and such highway shall thereafter become and be vested in the Crown, as from such date as the Minister may determine, by notice in the *Ontario Gazette*, and the Department shall give notice in writing thereof to each of the municipalities interested.

SECTION 10. The amendment is introduced to compel all county and township treasurers, accountants, bookkeepers and others to see that proper vouchers, as well as receipts and cheques, are produced for all payments.

SECTION 11. The words "laid out" are inserted in order that the Lieutenant-Governor may designate lands where no road exists to be laid out as The King's Highway.

SECTION 12. The word "such" is inserted to provide that all The King's Highways included in section 52 shall be vested in His Majesty.

SECTION 13. The amendments provided for in subsections 1, 2 and 3 of this section render section 53 of the Act consistent with subsection 1 of section 52, as amended.



Rev. Stat.,  
c. 54, s. 54,  
subs. 2,  
re-enacted.

(2) Subsection 2 of the said section 54 is repealed and the following substituted therefor:

The King's  
Highway.

(2) Wherever a highway assumed, acquired or laid out as one of The King's Highways, intersects a highway which is not one of The King's Highways, the continuation of The King's Highway to its full width across the highway so intersected, including bridges and culverts thereon, shall be a part of The King's Highway.

Rev. Stat.,  
c. 54, s. 54,  
subs. 3,  
re-enacted.

(3) Subsection 3 of the said section 54 is repealed and the following substituted therefor:

Preliminary  
route plan.

(3) Whenever for the purposes of this section it is deemed advisable to deposit in any registry office a preliminary route plan of any highway or lands acquired or to be acquired therefor by the Minister, such preliminary route plan shall be of full effect as provided by subsection 1, and shall confer upon the Minister authority to acquire and take possession of the road or lands, but such plan may at any time thereafter be replaced by a completed plan and description of the road or lands so acquired.

Rev. Stat.,  
c. 54, s. 59,  
amended.

14.—(1) Section 59 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Notice  
as to land  
entered  
upon, taken  
or used.

(1a) Where land has been entered upon, taken or used by the Minister under the compulsory powers conferred by this Act the Minister shall, within sixty days after the registration of the plan and description of the land in the registry office, give notice to the owner,

(a) if the owner is known and his residence is known, by serving upon him or by mailing by registered post addressed to him at his last known place of abode, a notice describing the land taken or the right or easement exercised or intended to be exercised in, upon or over the land, and the nature of the work to be done and the date of the registration of the plan and description, and stating that every person having any claim to compensation must file the same in the office of the Minister within six months after such registration, or, in the case of land injuriously affected, within six months after the injury complained of, or in the case of a continuing injury, within one year from the time when the injury began or became known to him; or

SECTION 14.—(1). The amendment eliminates the requirement that notice of appropriation shall be advertised as well as sent to the person affected.

- (b) if the owner is unknown or his residence is unknown, by the publication of a similar notice once a week for at least three weeks in some newspaper having a general circulation in the county or district in which the land affected is situate.

Rev. Stat.,  
c. 54, s. 59,  
subs. 3,  
amended.

- (2) Subsection 3 of the said section 59 is amended by inserting after the word "another" in the fourth line the words "or similar," and by inserting after the word "showing" in the fifth line, the words "land or," so that the said subsection shall now read as follows:

Amendment  
of "land  
plan."

- (3) A land plan deposited in any registry office as in the next preceding subsection provided may be amended upon the authority of the Minister or Deputy Minister from time to time, or another or similar plan may be substituted therefor upon like authority for the purpose of showing land or additional lands purchased or acquired, or for the purpose of indicating thereon lands sold or disposed of by the Minister.

Rev. Stat.,  
c. 54, ss. 61,  
62, 63, 64,  
re-enacted.

- 15.** Sections 61, 62, section 63 as amended by section 4 of *The Highway Improvement Act, 1929*, and section 64 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Deductions  
from grants  
on default in  
municipal  
contribu-  
tions.

61. Where a corporation of a county or other municipality, park commission, board or commission is in default with respect to any payments due to the Province for their share of the expenditure on The King's Highway up to the 31st day of December, 1934, the amount of the arrears shall bear interest from the date of such default at such rate of interest as the Minister may from time to time determine, and the amount of the arrears and interest may be deducted from any sums due to the county or municipality by the Province.

Contribu-  
tions by  
commission or other  
controlling  
body.

62. Where a road assumed as The King's Highway under this Act was at the time it was so assumed under the control of a park commission, or any board or commission established by statute and having authority over the area in which the road lies, the amount or proportion of expenditure may be apportioned by the Minister to and shall be a debt due to Ontario from such park commission, board or commission and shall be payable out of the revenues of such commission.

(2) A second plan, similar to one already filed, may be filed where it is desirable to do so.

SECTION 15. Sections 61, 62, 63 and 64 are repealed in order that the Government may assume the cost of all King's Highways subject, however, to any agreement which may be entered into between the Department and any municipality. .

The new sections provide:

61. Interest and principal shall be deducted from a grant made by the Department where the municipality is in default with respect to payments due the Province on account of expenditures on any King's Highway up to the 31st December, 1934.

62. The Minister may enter into an agreement with a park commission or any similar board or commission, regarding payment of the cost of any work.



Provision  
for  
payment.

63. It shall be the duty of such park commission, board or commission to provide for the payment of any contribution required under section 62 in its estimates of annual expenditure, and every such park commission, board or commission shall have power to do all things necessary to provide for the payment of such contribution, and where authorized by statute to levy rates upon property within its jurisdiction, shall levy all necessary rates for the purposes hereof, anything in any Act under which such park commission, board or commission is established to the contrary notwithstanding.

Proportion  
of cost  
debt due  
Province.

64. The proportion of cost, as estimated under the two next preceding sections, shall be a debt due to Ontario by such park commission, or other board or commission and shall be paid to the Department within six months from the date of notification sent by registered post to such board or commission.

Rev. Stat.,  
c. 54, s. 65,  
subs. 1,  
repealed.

- 16.**—(1) Subsection 1 of section 65 of *The Highway Improvement Act* is repealed.

Rev. Stat.,  
c. 54, s. 65,  
subs. 4,  
amended.

- (2) Subsection 4 of the said section 65 is amended by striking out the words "or The King's Suburban Highway" in the fifth line.

Rev. Stat.,  
c. 54, s. 65,  
subs. 6,  
re-enacted.

- (3) Subsection 6 of the said section 65 is repealed and the following substituted therefor:

Cost of  
work.

- (6) The proportion of the cost agreed upon shall be paid out of the Fund and the remainder shall be borne and paid by the town or village providing however, that in the case of a town or village having a population of not more than 2,500, the proportion of the cost of such work payable out of the Fund shall not exceed a sum equal to the cost of the travelled portion of The King's Highway of the existing width where it approaches such town or village, and in the case of towns other than separated towns having a population of more than 2,500, the proportion of the cost of such work payable out of the Fund shall not exceed fifty per centum of the cost of such work up to a width of thirty feet and the cost of all work in excess of such width shall be payable by such town.

Rev. Stat.,  
c. 54, s. 78,  
subs. 1,  
cls. (d), (e)  
(1931,  
c. 11, s. 11),  
re-enacted.

- 17.** Clauses *d* and *e* of subsection 1 of section 78 of *The Highway Improvement Act* as re-enacted by section 11 of *The Highway Improvement Act, 1931*, are repealed and the following substituted therefor:

63. Provides for the manner in which payments provided for by the last preceding section shall be made.

64. A payment due under the last two sections shall be a debt due the Province and shall be paid within six months of notification of the debt.

SECTION 16.—(1) The subsection repealed is no longer necessary as the Department will bear the cost of all King's Highways, subject to any agreement it may make.

(2) There are no longer any "King's Suburban Highways."

(3) Provides for proportioning of the cost of highways where they pass through a town, other than a separated town, or a village.

SECTION 17. The provisions of the Act are extended to include all highways to which the Department gives aid.



Regulating  
the placing  
of gasoline  
pumps.

- (d) for regulating the distance from the limit of any of The King's Highways or any highway to which the Ontario Government gives aid, at which gasoline pumps may be placed and operated, and for directing the removal of any such pump placed or operated within such distance.

Licensing  
gasoline  
pumps.

- (e) for licensing and fixing the fees for licenses to be granted to any person operating a gasoline pump upon or within twenty-five feet from the limit of any of The King's Highways or any highway to which the Ontario Government gives aid.

Commence-  
ment of  
Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Highway  
Improvement Act.

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*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

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MR. MCQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Highway Improvement Act.

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No. 80

1935

# BILL

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Short title.      **1.** This Act may be cited as *The Highway Improvement Amendment Act, 1935*.

Rev. Stat.,  
c. 54, s. 8,  
subs. 1,  
cl. (b),  
amended.      **2.**—(1) Clause *b* of subsection 1 of section 8 of *The Highway Improvement Act* is amended by striking out the words "of Part V" in the sixth and seventh lines, so that the said clause shall now read as follows:

Highway  
Improvement  
Fund,—  
how  
made up.      (b) a sum equal to all repayments to the Province on account of amounts chargeable to or received from municipalities, individuals, companies or corporations by reason of any work performed or expenditures incurred or materials or property sold or fees or fines imposed under any of the provisions of this Act and the regulations made thereunder.

Rev. Stat.,  
c. 54, s. 8,  
subs. 1,  
amended.      (2) Subsection 1 of the said section 8 is amended by adding thereto the following clause:

Highway  
Improvement  
Fund,—  
how  
made up.      (e) a sum equal to all revenues collected under any Acts administered by the Department or under the regulations passed under any such Acts.

Rev. Stat.,  
c. 54, s. 12,  
subs. 5,  
re-enacted.      **3.** Subsection 5 of section 12 of *The Highway Improvement Act* is repealed and the following substituted therefor:

County road  
superin-  
tendent.      (5) The administration and management of the county road system shall be vested in an officer to be appointed by by-law of the county council to be known as the county road superintendent, who shall be an engineer approved by the Minister, and the county road superintendent shall act under the direction of the county road committee.

- (a) Every engineer hereafter appointed by the council of a county, in pursuance of this section shall be a graduate in civil engineering of a university of recognized standing, or a member of the Engineering Institute of Canada, or an Ontario land surveyor. Qualifications.

- (b) A copy of the by-law appointing the county road superintendent shall be transmitted to the Department within thirty days of the passing thereof and such appointment shall be subject to the approval of the Minister, and when so approved shall not be repealed or amended without the consent in writing of the Minister. Copy of by-law appointing to be transmitted to Department.

4. *The Highway Improvement Act* is amended by adding thereto the following section: Rev. Stat., c. 54, s. 17, amended.

- 16a.—(1) The corporation of the county shall submit a by-law covering the estimated expenditure on roads for the calendar year to the Department for the Minister's approval, not later than the 31st day of January of the year in which the expenditure is to be made and such by-law shall include expenditures to be made by the suburban area commission in the said county. Submission of by-law covering estimated expenditure.

- (2) No subsidy shall be granted by the Department to any county for work undertaken by such county which has not been provided for by a by-law duly approved by the Minister. Subsidy.

5. Subsection 2 of section 17 of *The Highway Improvement Act* is amended by inserting after the word "included" in the seventh line the words "but no expenditure towards which a special contribution has been or may be made from any source shall be included unless by agreement with the Department," so that the said subsection shall now read as follows: Rev. Stat., c. 54, s. 17, subs. 2, amended.

- (2) In estimating the amount of the grant or subsidy to which the municipal corporation is entitled under this Act, the salary of the county road superintendent, his travelling expenses, the purchase of additional right-of-way, the laying and operation of railway switches and sidings, the purchase of property, plant, machinery and the repair thereof, and any other expenditure of a general character shall be included, but no expenditure towards which a special contribution has been or may be made from any source shall be included unless by agreement with the Estimating grant.



Department, and in all cases of doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,  
c. 54, s. 28,  
subs. 5,  
re-enacted.

6. Subsection 5 of section 28 of *The Highway Improvement Act* as amended by section 3 of *The Highway Improvement Act, 1928*, and section 5 of *The Highway Improvement Act, 1930*, is repealed and the following substituted therefor:

Allowance  
in town or  
village.

- (5) An urban municipality situate within a county, but not separated therefrom for municipal purposes, whether there is or is not any such county road extension or connection in such urban municipality, shall be subject to the annual general levy for county road purposes under the by-law mentioned in section 12, but the council of the county shall on or before the 1st day of April in each year remit, in the case of a town, fifty per centum, and in the case of a village, seventy-five per centum, of the amount raised by such rate in the town or village in the previous year less the cost of the repairs, if any, done by the county upon such county road extension or connecting link or upon any road in such urban municipality included in the county road system during the previous year, and where the road in the urban municipality is not a part of the county road system the cost of repairs on such roads shall be borne by the county and urban municipality in such proportions as shall be provided for by an agreement entered into and approved by the Minister before the work is commenced.

How moneys  
to be  
expended.

- (a) Any moneys so received by the town or village shall be expended under the supervision of the county road superintendent upon streets in the municipality designated by the Minister, provided that where the Minister is of the opinion that it is unnecessary to expend the whole or any part of the moneys so received upon streets in the municipality, he may direct that the whole or any portion of such moneys may be applied in payment of any outstanding debentures issued to provide for paving streets in the municipality.

Vouchers  
to be sub-  
mitted to  
county  
treasurer.

- (b) Vouchers for all moneys expended by any town or village under the provisions of clause *a* shall be submitted to the county treasurer during the calendar year in which such moneys were received, and the provisions of subsection 1 of section 17 shall apply to all such expenditures.

(c) No such rebate shall be made for any year <sup>When</sup> during which the construction or rebuilding <sup>rebate not</sup> of any such extension or connecting link has <sup>to be made.</sup> been in progress.

(d) In determining the amount of such rebate <sup>Rebate on</sup> payable in the year 1931 and thereafter, the <sup>road work</sup> amount raised by the corporation of a town <sup>in towns and</sup> or village for the purpose of paying off its <sup>villages.</sup> share of any debenture debt of the county shall not be considered.

7. Section 45 of *The Highway Improvement Act* is amended <sup>Rev. Stat.,</sup> by adding thereto the following subsection: <sup>c. 54, s. 45,</sup> <sup>amended.</sup>

(2) The council of a township shall submit a by-law <sup>Submission</sup> covering the estimated expenditure on all road con- <sup>of by-law</sup> struction, improvement or repairs for the calendar <sup>covering</sup> year to the Department for the approval of the <sup>estimated</sup> Minister not later than the 28th day of February of <sup>expenditure.</sup> the year in which such expenditure is to be made and no subsidy shall be granted to any township in respect of work which has not been provided for by a by-law approved by the Minister.

8. Clause c of section 47 of *The Highway Improvement Act* <sup>Rev. Stat.,</sup> is amended by adding at the end thereof the words "and that <sup>c. 54, s. 47,</sup> it contains no item of expenditure whether for labour or <sup>cl. (c),</sup> materials for which actual cash was not paid to the persons <sup>amended.</sup> performing the work or supplying the materials," so that the said clause shall now read as follows:

(c) the declaration of the township treasurer that the statement of expenditure is true and correct and that it contains no item of expenditure whether for labour or materials for which actual cash was not paid to the persons performing the work or supplying the materials.

9. Section 49 of *The Highway Improvement Act* is amended <sup>Rev. Stat.,</sup> by striking out the word "by the Province" in the fifth line <sup>c. 54, s. 49,</sup> and inserting in lieu thereof the words "from any source except <sup>amended.</sup> where a contrary provision is contained in any agreement entered into between the township and the Province," so that the said section shall now read as follows:

49. Expenditure in respect of which aid may be granted <sup>What</sup> under section 48 shall not include any amount levied <sup>amount</sup> in the township for county road purposes or any other <sup>not to be</sup> road expenditure towards which a contribution has <sup>included</sup> been paid, or may be payable from any source except <sup>in fixing</sup> <sup>subsidy.</sup>

where a contrary provision is contained in any agreement entered into between the township and the Province.

Rev. Stat.,  
c. 54,  
amended.

**10.** *The Highway Improvement Act* is amended by adding thereto the following section:

Vouchers.

50. Wherever a subsidy is applied for by any county or township, under any provision of this Act, vouchers covering all expenditures in respect of which such subsidy is applied for shall be furnished to the Department in a form satisfactory to the Minister.

Rev. Stat.,  
c. 54, s. 52,  
subs. 1,  
amended.

**11.** Subsection 1 of section 52 of *The Highway Improvement Act* is amended by inserting after the words "to be" in the third line the words "laid out," so that the said subsection shall now read as follows:

Highways  
may be  
assumed  
by the  
Province.

(1) The Lieutenant-Governor in Council, upon recommendation of the Minister, may designate any highway or a system of public highways throughout Ontario to be laid out, acquired, constructed, assumed, repaired, relocated, deviated, widened and maintained by the Minister for Ontario as The King's Highway.

Rev. Stat.,  
c. 54, s. 53,  
amended.

**12.** Section 53 of *The Highway Improvement Act* is amended by inserting after the word "every" in the first line the word "such," so that the said section shall now read as follows:

Vested  
in His  
Majesty.

53. Every such King's Highway and all property acquired by Ontario under this Act shall be vested in His Majesty and shall be under the control of the Department.

Rev. Stat.,  
c. 54, s. 54,  
subs. 1,  
amended.

**13.—**(1) Subsection 1 of section 54 of *The Highway Improvement Act* is amended by inserting after the word "desires" in the second line the words "to lay out a King's Highway or," so that the said subsection shall now read as follows:

Procedure  
for  
acquiring  
highway.

(1) Subject to the provisions of section 59, when the Minister desires to lay out a King's Highway or to acquire any existing highway under the authority of this Act, either temporarily or permanently, he shall deposit in the proper registry office a plan and description of the highway, signed by himself, or by the Deputy Minister, or by an Ontario land surveyor, and such highway shall thereafter become and be vested in the Crown, as from such date as the Minister may determine, by notice in the *Ontario Gazette*, and the Department shall give notice in writing thereof to each of the municipalities interested.



(2) Subsection 2 of the said section 54 is repealed and the following substituted therefor: Rev. Stat.,  
c. 54, s. 54,  
subs. 2,  
re-enacted.

(2) Wherever a highway assumed, acquired or laid out as one of The King's Highways, intersects a highway which is not one of The King's Highways, the continuation of The King's Highway to its full width across the highway so intersected, including bridges and culverts thereon, shall be a part of The King's Highway. The King's  
Highway.

(3) Subsection 3 of the said section 54 is repealed and the following substituted therefor: Rev. Stat.,  
c. 54, s. 54,  
subs. 3,  
re-enacted.

(3) Whenever for the purposes of this section it is deemed advisable to deposit in any registry office a preliminary route plan of any highway or lands acquired or to be acquired therefor by the Minister, such preliminary route plan shall be of full effect as provided by subsection 1, and shall confer upon the Minister authority to acquire and take possession of the road or lands, but such plan may at any time thereafter be replaced by a completed plan and description of the road or lands so acquired. Preliminary  
route plan.

**14.**—(1) Section 59 of *The Highway Improvement Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 54, s. 59,  
amended.

(1a) Where land has been entered upon, taken or used by the Minister under the compulsory powers conferred by this Act the Minister shall, within sixty days after the registration of the plan and description of the land in the registry office, give notice to the owner, Notice  
as to land  
entered  
upon, taken  
or used.

(a) if the owner is known and his residence is known, by serving upon him or by mailing by registered post addressed to him at his last known place of abode, a notice describing the land taken or the right or easement exercised or intended to be exercised in, upon or over the land, and the nature of the work to be done and the date of the registration of the plan and description, and stating that every person having any claim to compensation must file the same in the office of the Minister within six months after such registration, or, in the case of land injuriously affected, within six months after the injury complained of, or in the case of a continuing injury, within one year from the time when the injury began or became known to him; or

- (b) if the owner is unknown or his residence is unknown, by the publication of a similar notice once a week for at least three weeks in some newspaper having a general circulation in the county or district in which the land affected is situate.

Rev. Stat.,  
c. 54, s. 59,  
subs. 3,  
amended.

- (2) Subsection 3 of the said section 59 is amended by inserting after the word "another" in the fourth line the words "or similar," and by inserting after the word "showing" in the fifth line, the words "land or," so that the said subsection shall now read as follows:

Amendment  
of "land  
plan."

- (3) A land plan deposited in any registry office as in the next preceding subsection provided may be amended upon the authority of the Minister or Deputy Minister from time to time, or another or similar plan may be substituted therefor upon like authority for the purpose of showing land or additional lands purchased or acquired, or for the purpose of indicating thereon lands sold or disposed of by the Minister.

Rev. Stat.,  
c. 54, ss. 61,  
62, 63, 64,  
re-enacted.

- 15.** Sections 61, 62, section 63 as amended by section 4 of *The Highway Improvement Act, 1929*, and section 64 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Deductions  
from grants  
on default in  
municipal  
contribu-  
tions.

61. Where a corporation of a county or other municipality, park commission, board or commission is in default with respect to any payments due to the Province for their share of the expenditure on The King's Highway up to the 31st day of December, 1934, the amount of the arrears shall bear interest from the date of such default at such rate of interest as the Minister may from time to time determine, and the amount of the arrears and interest may be deducted from any sums due to the county or municipality by the Province.

Contribu-  
tions by  
commission  
or other  
controlling  
body.

62. Where a road assumed as The King's Highway under this Act was at the time it was so assumed under the control of a park commission, or any board or commission established by statute and having authority over the area in which the road lies, the amount or proportion of expenditure may be apportioned by the Minister to and shall be a debt due to Ontario from such park commission, board or commission and shall be payable out of the revenues of such commission.

63. It shall be the duty of such park commission, board or commission to provide for the payment of any contribution required under section 62 in its estimates of annual expenditure, and every such park commission, board or commission shall have power to do all things necessary to provide for the payment of such contribution, and where authorized by statute to levy rates upon property within its jurisdiction, shall levy all necessary rates for the purposes hereof, anything in any Act under which such park commission, board or commission is established to the contrary notwithstanding.

Provision  
for  
payment.

64. The proportion of cost, as estimated under the two next preceding sections, shall be a debt due to Ontario by such park commission, or other board or commission and shall be paid to the Department within six months from the date of notification sent by registered post to such board or commission.

Proportion  
of cost  
debt due  
Province.

**16.**—(1) Subsection 1 of section 65 of *The Highway Improvement Act* is repealed.

Rev. Stat.,  
c. 54, s. 65,  
subs. 1,  
repealed.

(2) Subsection 4 of the said section 65 is amended by striking out the words "or The King's Suburban Highway" in the fifth line.

Rev. Stat.,  
c. 54, s. 65,  
subs. 4,  
amended.

(3) Subsection 6 of the said section 65 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 54, s. 65,  
subs. 6,  
re-enacted.

(6) The proportion of the cost agreed upon shall be paid out of the Fund and the remainder shall be borne and paid by the town or village providing however, that in the case of a town or village having a population of not more than 2,500, the proportion of the cost of such work payable out of the Fund shall not exceed a sum equal to the cost of the travelled portion of The King's Highway of the existing width where it approaches such town or village, and in the case of towns other than separated towns having a population of more than 2,500, the proportion of the cost of such work payable out of the Fund shall not exceed fifty per centum of the cost of such work up to a width of thirty feet and the cost of all work in excess of such width shall be payable by such town.

Cost of  
work.

**17.** Clauses *d* and *e* of subsection 1 of section 78 of *The Highway Improvement Act* as re-enacted by section 11 of *The Highway Improvement Act, 1931*, are repealed and the following substituted therefor:

Rev. Stat.,  
c. 54, s. 78,  
subs. 1,  
cls. (d), (e)  
(1931,  
c. 11, s. 11),  
re-enacted.



Regulating  
the placing  
of gasoline  
pumps.

- (d) for regulating the distance from the limit of any of The King's Highways or any highway to which the Ontario Government gives aid, at which gasoline pumps may be placed and operated, and for directing the removal of any such pump placed or operated within such distance.

Licensing  
gasoline  
pumps.

- (e) for licensing and fixing the fees for licenses to be granted to any person operating a gasoline pump upon or within twenty-five feet from the limit of any of The King's Highways or any highway to which the Ontario Government gives aid.

Commence-  
ment of  
Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to amend The Highway  
Improvement Act.

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*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. McQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Public Service Act.

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MR. HEPBURN

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No. 81

1935

# BILL

## An Act to amend The Public Service Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Service Amendment Act, 1935*.

Rev. Stat.,  
c. 16, ss. 21,  
22, 23, 24,  
repealed.

2. Sections 21, 22, 23 and 24 of *The Public Service Act* are repealed.

Rev. Stat.,  
c. 16, s. 32,  
amended.

3. Section 32 of *The Public Service Act*, as amended by section 2 of *The Public Service Act, 1928*, and section 3 of *The Public Service Act, 1933*, is further amended by striking out sub-clause iii of clause *b* and adding thereto the following subsections:

Employees  
who may  
receive  
allowances.

(2) There may also be granted from the Fund, to an employee whose services have been dispensed with, and who has served twenty-five years or more and has attained the age of forty-five years, or has served twenty years or more and has attained the age of fifty, or has served fifteen years or more and has attained the age of fifty-five, a compensation allowance based upon his average yearly salary during the last three years of his service, and which shall not exceed one-seventieth part of such annual salary, multiplied by the total number of years, and any fraction thereof, of continuous service; but no more than thirty years of service shall be reckoned, nor shall the yearly compensation allowance exceed \$1,500.

Subsection 2  
retroactive.

(3) Subsection 2 shall take effect as from the 11th day of July, 1934.

Where  
re-employ-  
ment occurs.

(4) Where an employee who has been granted an allowance before reaching the age of seventy is re-employed by the Government his allowance shall be suspended





during the period of his re-employment, but such period of re-employment shall be counted in determining the allowance to which he is entitled at his final retirement.

When allowance is to be increased.

- (5) When a person receiving an allowance under subsection 2 attains the earliest age at which he would have been eligible for an allowance under clauses *a* and *c* of subsection 1, had he remained in the service, such allowance shall then be paid, but the period during which he is in receipt of an allowance under subsection 2 shall not be counted in determining his final allowance.

Allowances to widows and children.

- (6) The allowances to widows and children of persons who were in receipt of compensation allowances under subsection 2 shall be at the rate to which they would have been entitled had the employee died in the service.

Commencement of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.







An Act to amend The Public Service Act.

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*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Public Service Act.

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MR. HEPBURN

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No. 81

1935

# BILL

## An Act to amend The Public Service Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Service Amendment Act, 1935*.

Rev. Stat.,  
c. 16, ss. 21,  
22, 23, 24,  
repealed.      **2.** Sections 21, 22, 23 and 24 of *The Public Service Act* are repealed.

Rev. Stat.,  
c. 16, s. 32,  
amended.      **3.** Section 32 of *The Public Service Act*, as amended by section 2 of *The Public Service Act, 1928*, and section 3 of *The Public Service Act, 1933*, is further amended by striking out sub-clause iii of clause *b*, and adding thereto the following subsections:

Employees  
who may  
receive  
allowances.

- (2) There may also be granted from the Fund, to an employee whose services have been dispensed with, and who has served twenty-five years or more and has attained the age of forty-five years, or has served twenty years or more and has attained the age of fifty, or has served fifteen years or more and has attained the age of fifty-five, a compensation allowance based upon his average yearly salary during the last three years of his service, and which shall not exceed one-seventieth part of such annual salary, multiplied by the total number of years, and any fraction thereof, of continuous service; but no more than thirty years of service shall be reckoned, nor shall the yearly compensation allowance exceed \$1,500.

Subsection 2  
retroactive.

- (3) Subsection 2 shall take effect as from the 11th day of July, 1934.

Where  
re-employ-  
ment occurs.

- (4) Where an employee who has been granted an allowance before reaching the age of seventy is re-employed by the Government his allowance shall be suspended

during the period of his re-employment, but such period of re-employment shall be counted in determining the allowance to which he is entitled at his final retirement.

- (5) When a person receiving an allowance under subsection 2 attains the earliest age at which he would have been eligible for an allowance under clauses *a* and *c* of subsection 1, had he remained in the service, such allowance shall then be paid, but the period during which he is in receipt of an allowance under subsection 2 shall not be counted in determining his final allowance. When allowance is to be increased.

- (6) The allowances to widows and children of persons who were in receipt of compensation allowances under subsection 2 shall be at the rate to which they would have been entitled had the employee died in the service. Allowances to widows and children.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Public Service Act.

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*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Highway Traffic Act.

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MR. MCQUESTEN

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No. 82

1935

# BILL

An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1935*.

Rev. Stat.,  
c. 251, s. 1,  
amended.

2. Section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

"Safety  
glass."

(kkk) "Safety glass" shall mean any product composed of glass so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the Department.

Rev. Stat.,  
c. 251, s. 9,  
subs. 5  
(1930,  
c. 48, s. 2),  
amended.

3. Subsection 5 of section 9 of *The Highway Traffic Act* as re-enacted by subsection 2 of section 2 of *The Highway Traffic Amendment Act, 1930 (No. 2)*, is amended by inserting after the word "Department" in the sixth line the words "as well as a white surface not less than ten inches in length and two inches in width, all of which shall be," so that the said subsection shall now read as follows:

Bicycles  
and  
tricycles,—  
lights on.

(5) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp, or reflector approved by the Department, and on the back thereof a red lighted lamp, or reflector approved by the Department, as well as a white surface not less than ten inches in length and two inches in width, all of which shall be so placed as to be clearly visible to the drivers of other vehicles.

Rev. Stat.,  
c. 251,  
amended.

4. *The Highway Traffic Act* is amended by adding thereto the following section:

#### EXPLANATORY NOTES

SECTION 2. The new clause defines "safety glass."

SECTION 3. The amendment is to better protect the riders of bicycles travelling after dark by requiring a white strip to be displayed at the back of the bicycle as well as the red lamp or reflector now required.

SECTION 4. The new section is a safety measure calculated to lessen the possibility of serious injury by flying glass.



Motor  
vehicles  
to be  
equipped  
with safety  
glass.

12a. On and after the 1st day of July, 1936, no person shall sell any new motor vehicle nor shall any new motor vehicle be registered with the Department unless such vehicle is equipped with safety glass wherever glass is used in doors, windows and windshields.

Rev. Stat.,  
c. 251  
amended.

5. *The Highway Traffic Act* is amended by adding thereto the following section:

Examination  
of  
vehicle.

15a.—(1) Every police constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle to submit such motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as such constable or officer may deem expedient.

Use of  
unsafe  
vehicle  
prohibited.

(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition the constable or officer making the examination or tests may require the driver of such vehicle to proceed to have such vehicle, equipment or trailer placed in a safe condition and may order such vehicle or trailer to be removed from the highway and may prohibit the operation of such vehicle or trailer on the highway until such vehicle, equipment or trailer has been placed in a safe condition.

Rev. Stat.,  
c. 251, s. 21,  
subs. 1,  
amended.

6.—(1) Subsection 1 of section 21 of *The Highway Traffic Act* is amended by inserting after the word "business" in the second line, the words "parking station, parking lot or used car lot" and by adding at the end thereof the words "provided that the provisions of this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks," so that the said subsection shall now read as follows:

Garage  
and  
storage  
licenses.

(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that the provisions of this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks.

Rev. Stat.,  
c. 251, s. 21,  
subs. 3,  
amended.

(2) Subsection 3 of the said section 21 is amended by inserting after the word "business" in the second line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

SECTION 5. The amendment is to permit police constables and officers appointed for the purpose of carrying out the provisions of this Act, to inspect motor vehicles, equipment and trailers which appear to be in a dangerous condition and to empower such constables and officers to require the same to be placed in a safe condition.

SECTION 6. The amendment is to require open air parking lots and used car lots to be licensed in the same manner as garages and to be subject to the same inspection to which garages are now subject.

Penalty  
for  
conducting  
business  
without  
license.

- (3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot without a license shall incur a penalty of not less than \$10 and not more than \$50 for the first offence; not less than \$50 and not more than \$200 for the second or subsequent offence, and shall also be liable to imprisonment for a term not exceeding three months for a third or any subsequent offence.

Rev. Stat.,  
c. 251, s. 21,  
subs. 4,  
amended.

- (3) Subsection 4 of the said section 21 is amended by inserting after the word "garage" in the second line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Right of  
entry and  
inspection.

- (4) Any peace officer may enter into any place where motor vehicles are stored or dealt in or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper in order to ascertain whether the provisions of this Act have been complied with.

Rev. Stat.,  
c. 251, s. 21,  
subs. 6,  
amended.

- (4) Subsection 6 of the said section 21 is amended by inserting after the word "business" in the second line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Minister  
may  
suspend  
or cancel  
license.

- (6) The Minister may suspend or cancel the license issued for a garage business, parking station, parking lot or used car lot for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such license or by any of his employees or for any other reason appearing to him to be sufficient.

Rev. Stat.,  
c. 251, s. 21,  
subs. 7,  
amended.

- (5) Subsection 7 of the said section 21 is amended by adding at the end thereof the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Regulations.

- (7) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot.

Rev. Stat.,  
c. 251, s. 22,  
subs. 4,  
amended.

- 7.—(1) Subsection 4 of section 22 of *The Highway Traffic Act* is amended by inserting after the word "business" in the

SECTION 7.—(1) Persons in the garage business or the business of repairing, buying and selling, wrecking or storing motor vehicles must report to the Department any vehicle which remains in their possession for more than two weeks without good reason. The amendment extends the provisions to parking stations, parking lots and used car lots.



third line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Report to  
Department  
as to cars  
stored or  
parked.

- (4) Where any motor vehicle is placed in the possession of any person who repairs, buys, sells, wrecks or stores motor vehicles or conducts what is known as a garage business, parking station, parking lot or used car lot and the same remains in his possession for more than two weeks without good reason, such person shall forthwith, upon the expiration of the said period of two weeks make a report thereof to the Department.

Rev. Stat.,  
c. 251, s. 22,  
subs. 4a  
(1931,  
c. 54, s. 6),  
amended.

- (2) Subsection 4a of the said section 22 as enacted by section 6 of *The Highway Traffic Amendment Act, 1931*, is amended by inserting after the word "garage" where it occurs in the third and fourth lines respectively, the words "parking station, parking lot, used car lot," so that the said subsection shall now read as follows:

Report  
as to  
damaged  
or bullet  
marked  
cars.

- (4a) If a motor vehicle which shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle.

Rev. Stat.,  
c. 251, s. 33,  
amended.

- 8.—(1) Section 33 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Commercial  
vehicle,—  
how to be  
loaded.

- (1a) Every commercial motor vehicle and every trailer shall be loaded in such a manner that no portion of the load may become dislodged or fall from such commercial motor vehicle or trailer during transit.

Rev. Stat.,  
c. 251, s. 33,  
subs. 2,  
amended.

- (2) Subsection 2 of the said section 33 is amended by inserting after the word and figure "subsection 1" in the first and second lines, the word and figure "or 1a," so that the said subsection shall now read as follows:

Penalty  
for  
illegal  
loading.

- (2) A person who violates any of the provisions of subsection 1 or 1a shall incur for the first offence a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25; and for any subsequent offence a penalty of not less than \$25 and not more

(2) Where a car, appearing to have been in a serious accident or struck by a bullet, is brought into a garage or repair shop it must be reported to a police officer. The amendment extends the provision to parking stations, parking lots and used car lots.

SECTION 8. The amendment is to prevent the loading of trucks in such a manner that materials may fall from them, rendering the highway unsafe for other vehicles.



than \$50 and in addition his license or permit may be suspended for any period not exceeding sixty days.

Rev. Stat.,  
c. 251, s. 35a,  
subs. 1  
(1931,  
c. 54, s. 11),  
amended.

9.—(1) Subsection 1 of section 35a of *The Highway Traffic Act* as enacted by section 11 of *The Highway Traffic Amendment Act, 1931*, is amended by striking out the words "at a curve" in the eighth line, so that the said subsection shall now read as follows:

Parking  
cars on  
highways.

- (1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended upon such a highway unless a clear view of such vehicle may be obtained from a distance of at least two hundred feet in each direction upon such highway.

Rev. Stat.,  
c. 251, s. 35a,  
subs. 3  
(1931,  
c. 54, s. 11),  
amended.

- (2) Subsection 3 of the said section 35a as amended by section 8 of *The Highway Traffic Act, 1934*, is further amended by striking out all the words after the word "provisions" in the fourth line.

Rev. Stat.,  
c. 251, s. 35a  
(1931,  
c. 54, s. 11),  
amended.

- (3) The said section 35a is amended by adding thereto the following subsections:

Warning  
lights on  
commercial  
motor  
vehicle.

- (3a) Every commercial motor vehicle, when on a highway outside a city, town or village after dusk and before dawn, shall be equipped with a sufficient number of flares, lamps or lanterns which have been approved by the Department, capable of continuously producing two warning lights, each visible from a distance of at least five hundred feet for a period of at least eight hours.

Flares on  
disabled  
commercial  
motor  
vehicle.

- (3b) Whenever any commercial motor vehicle and its lighting equipment are disabled during the period when lighted lamps are required to be displayed on vehicles and such commercial motor vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted and placed upon the highway, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

SECTION 9.—(1) By removing the words "at a curve" the section extends the prohibition regarding parking to all sections of the road.

(2) and (3) The amendment is to require motor vehicles to carry flares as part of their equipment. At present such vehicles are required to display flares in cases of emergency, but there is no provision requiring them to be carried, and the result is that the majority of them do not carry flares.

Rev. Stat.,  
c. 251, s. 41a  
(1930,  
c. 48, s. 10),  
amended.

**10.** Section 41a of *The Highway Traffic Act* as enacted by section 10 of *The Highway Traffic Amendment Act, 1930 (No. 2)* is amended by adding thereto the following subsection:

Non-liability  
for injury  
to gratuitous  
passenger.

- (2) Notwithstanding the provisions of subsection 1 the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, shall not be liable for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from such motor vehicle.

Rev. Stat.,  
c. 251, s. 43,  
subs. 1,  
amended.

**11.**—(1) Subsection 1 of section 43 of *The Highway Traffic Act* is amended by striking out all the words after the word "vehicle" in the second line, so that the said subsection shall now read as follows:

Drivers  
under 16  
prohibited.

- (1) No person under the age of sixteen years shall drive or operate a motor vehicle.

Rev. Stat.,  
c. 251, s. 43,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 43 is amended by striking out all the words after the word "vehicle" in the second line so that the said subsection shall now read as follows:

Employment  
of drivers  
under 16  
prohibited.

- (2) No person shall employ or permit anyone under the age of sixteen years to drive or operate a motor vehicle.

Rev. Stat.,  
c. 251, s. 53,  
amended.

**12.** Section 53 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Action for  
damages.

- (3a) Notwithstanding the provisions of subsections 1 and 2 when an action is brought for the recovery of damages occasioned by a motor vehicle and a counterclaim is made by a defendant in respect of damages occasioned in the same accident, the lapse of the time herein limited shall be no bar to such counterclaim.

Rev. Stat.,  
c. 251, s. 73,  
subs. 1  
(1930,  
c. 47, s. 6),  
amended.

**13.** Subsection 1 of section 73 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by striking out the words "to the extent of at least \$5,000 (exclusive of interest and costs) for injury to, or death of any one person, and subject to that limit for each person so injured or killed, to the extent of at least \$10,000 (exclusive of interest and costs) for injury to, or death of, two or more persons in any one accident, and to the extent of at least \$1,000 (exclusive of interest and costs)

SECTION 10. The amendment is to abolish the liability of the owner or driver of a motor vehicle to gratuitous passengers.

SECTION 11. The amendment is to permit persons between the ages of sixteen and eighteen to obtain operators' licenses rather than chauffeurs' licenses.

SECTION 12. The amendment is to permit the bringing of a counter claim in an action brought under this Act, notwithstanding that the counterclaim is brought after the statutory period, provided the action is brought within such period.

SECTION 13. The amendment is to make section 73 of the Act conform with the wording of section 77 as amended by section 14 of this Bill.



for damage to property of others resulting from any one accident" in the seventeenth to twenty-fourth lines and inserting in lieu thereof the words "to the extent for which financial responsibility is required to be given under section 77 hereof" so that the said subsection shall now read as follows:

License  
suspended  
for failure  
to pay  
judgments.

- (1) Subject to the provisions of section 81, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him by any court in Ontario, or in any other Province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property in excess of \$100, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 77 hereof, and until such person gives proof of his financial responsibility.

Rev. Stat.,  
c. 251, s. 77,  
cl. a  
(1932,  
c. 32, s. 6),  
amended.

**14.** Clause *a* of section 77 of *The Highway Traffic Act* as re-enacted by section 6 of *The Highway Traffic Act, 1932*, is amended by striking out the word "for" in the first and fifth lines respectively and inserting in lieu thereof the words "against loss or damage resulting from," so that the said clause shall now read as follows:

Financial  
responsi-  
bility.

- (a) at least \$5,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least \$10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident; and

Rev. Stat.,  
c. 251, s. 86,  
subs. 1  
(1930,  
c. 47, s. 6),  
amended.

**15.** Subsection 1 of section 86 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by inserting after the word "may" in the first line the words "waive the requirement of filing proof

SECTION 14. The Ontario Court of Appeal in *Kelly vs. Constitution Indemnity Company* (1933, 3 D.L.R. 50) held that "loss or damage which the insured shall be liable to pay for bodily injury" does not extend to cover liability for pecuniary loss or damage to a person growing out of bodily injury to another as liability to a husband for loss of the services of his wife. This is not a desirable situation and the section is amended to remedy it. A similar amendment is being made to *The Insurance Act* by section 34 of Bill 51.

SECTION 15. At present the Minister may cancel or return any proof of financial responsibility only after such proof has been on file for three years. This section permits the Minister to make such cancellation or waive the requirements any time after three years from the date upon which such proof was first required.



of financial responsibility or may" and by striking out the words "of the original deposit thereof" in the fifth and sixth lines and inserting in lieu thereof the words "upon which such proof was required to be given" so that the said subsection shall now read as follows:

Cancellation  
and  
return of  
security.

- (1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time after three years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 72, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$100 resulting from the operation of a motor vehicle. A statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Commence-  
ment of  
Act.

- 16.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Highway  
Traffic Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

---

MR. MCQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Highway Traffic Act.

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MR. MCQUESTEN

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TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 82

1935

# BILL

## An Act to amend The Highway Traffic Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Highway Traffic Amendment Act, 1935*.

Rev. Stat.,  
c. 251, s. 1,  
amended.

2. Section 1 of *The Highway Traffic Act* is amended by adding thereto the following clause:

"Safety  
glass."

(kkk) "Safety glass" shall mean any product composed of glass so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the Department.

Rev. Stat.,  
c. 251, s. 9,  
subs. 5  
(1930, s. 1,  
c. 48, s. 2),  
amended.

3. Subsection 5 of section 9 of *The Highway Traffic Act* as re-enacted by subsection 2 of section 2 of *The Highway Traffic Amendment Act, 1930* (No. 2), is amended by inserting after the word "Department" in the sixth line the words "as well as a white surface not less than ten inches in length and two inches in width, all of which shall be," so that the said subsection shall now read as follows:

Bicycles  
and  
tricycles,—  
lights on.

(5) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp, or reflector approved by the Department, and on the back thereof a red lighted lamp, or reflector approved by the Department, as well as a white surface not less than ten inches in length and two inches in width, all of which shall be so placed as to be clearly visible to the drivers of other vehicles.

Rev. Stat.,  
c. 251,  
amended.

4. *The Highway Traffic Act* is amended by adding thereto the following section:

12a. On and after the 1st day of July, 1936, no person shall sell any new motor vehicle nor shall any new motor vehicle be registered with the Department unless such vehicle is equipped with safety glass wherever glass is used in doors, windows and windshields.

Motor vehicles to be equipped with safety glass.

5. *The Highway Traffic Act* is amended by adding thereto the following section:

Rev. Stat., c. 251, amended.

15a.—(1) Every police constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle to submit such motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as such constable or officer may deem expedient.

Examination of vehicle.

(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition the constable or officer making the examination or tests may require the driver of such vehicle to proceed to have such vehicle, equipment or trailer placed in a safe condition and may order such vehicle or trailer to be removed from the highway and may prohibit the operation of such vehicle or trailer on the highway until such vehicle, equipment or trailer has been placed in a safe condition.

Use of unsafe vehicle prohibited.

6.—(1) Subsection 1 of section 21 of *The Highway Traffic Act* is amended by inserting after the word "business" in the second line, the words "parking station, parking lot or used car lot" and by adding at the end thereof the words "provided that the provisions of this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks," so that the said subsection shall now read as follows:

Rev. Stat., c. 251, s. 21, subs. 1, amended.

(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that the provisions of this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks.

Garage and storage licenses.

(2) Subsection 3 of the said section 21 is amended by inserting after the word "business" in the second line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Rev. Stat., c. 251, s. 21, subs. 3, amended.

Penalty  
for  
conducting  
business  
without  
license.

- (3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot without a license shall incur a penalty of not less than \$10 and not more than \$50 for the first offence; not less than \$50 and not more than \$200 for the second or subsequent offence, and shall also be liable to imprisonment for a term not exceeding three months for a third or any subsequent offence.

Rev. Stat.,  
c. 251, s. 21,  
subs. 4,  
amended.

- (3) Subsection 4 of the said section 21 is amended by inserting after the word "garage" in the second line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Right of  
entry and  
inspection.

- (4) Any peace officer may enter into any place where motor vehicles are stored or dealt in or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper in order to ascertain whether the provisions of this Act have been complied with.

Rev. Stat.,  
c. 251, s. 21,  
subs. 6,  
amended.

- (4) Subsection 6 of the said section 21 is amended by inserting after the word "business" in the second line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Minister  
may  
suspend  
or cancel  
license.

- (6) The Minister may suspend or cancel the license issued for a garage business, parking station, parking lot or used car lot for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such license or by any of his employees or for any other reason appearing to him to be sufficient.

Rev. Stat.,  
c. 251, s. 21,  
subs. 7,  
amended.

- (5) Subsection 7 of the said section 21 is amended by adding at the end thereof the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

Regulations.

- (7) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot.

Rev. Stat.,  
c. 251, s. 22,  
subs. 4,  
amended.

- 7.—(1) Subsection 4 of section 22 of *The Highway Traffic Act* is amended by inserting after the word "business" in the



third line the words "parking station, parking lot or used car lot," so that the said subsection shall now read as follows:

- (4) Where any motor vehicle is placed in the possession of any person who repairs, buys, sells, wrecks or stores motor vehicles or conducts what is known as a garage business, parking station, parking lot or used car lot and the same remains in his possession for more than two weeks without good reason, such person shall forthwith, upon the expiration of the said period of two weeks make a report thereof to the Department.
- Report to Department as to cars stored or parked.

(2) Subsection 4a of the said section 22 as enacted by section 6 of *The Highway Traffic Amendment Act, 1931*, is amended by inserting after the word "garage" where it occurs in the third and fourth lines respectively, the words "parking station, parking lot, used car lot," so that the said subsection shall now read as follows:

Rev. Stat., c. 251, s. 22, subs. 4a (1931, c. 54, s. 6), amended.

- (4a) If a motor vehicle which shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle.
- Report as to damaged or bullet marked cars.

8.—(1) Section 33 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Rev. Stat., c. 251, s. 33, amended.

- (1a) Every commercial motor vehicle and every trailer shall be loaded in such a manner that no portion of the load may become dislodged or fall from such commercial motor vehicle or trailer during transit.
- Commercial vehicle,—how to be loaded.

(2) Subsection 2 of the said section 33 is amended by inserting after the word and figure "subsection 1" in the first and second lines, the word and figure "or 1a," so that the said subsection shall now read as follows:

Rev. Stat., c. 251, s. 33, subs. 2, amended.

- (2) Any person who violates any of the provisions of subsection 1 or 1a shall incur for the first offence a penalty of not less than \$5 and not more than \$10; for the second offence a penalty of not less than \$10 and not more than \$25; and for any subsequent offence a penalty of not less than \$25 and not more
- Penalty for illegal loading.

than \$50 and in addition his license or permit may be suspended for any period not exceeding sixty days.

Rev. Stat.,  
c. 251, s. 35a,  
subs. 1  
(1931,  
c. 54, s. 11),  
amended.

9.—(1) Subsection 1 of section 35a of *The Highway Traffic Act* as enacted by section 11 of *The Highway Traffic Amendment Act, 1931*, is amended by striking out the words “at a curve” in the eighth line, so that the said subsection shall now read as follows:

Parking  
cars on  
highways.

- (1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended upon such a highway unless a clear view of such vehicle may be obtained from a distance of at least two hundred feet in each direction upon such highway.

Rev. Stat.,  
c. 251, s. 35a,  
subs. 3  
(1931,  
c. 54, s. 11),  
amended.

(2) Subsection 3 of the said section 35a as amended by section 8 of *The Highway Traffic Act, 1934*, is further amended by striking out all the words after the word “provisions” in the fourth line.

Rev. Stat.,  
c. 251, s. 35a  
(1931,  
c. 54, s. 11),  
amended.

(3) The said section 35a is amended by adding thereto the following subsections:

Warning  
lights on  
commercial  
motor  
vehicle.

- (3a) Every commercial motor vehicle, when on a highway outside a city, town or village after dusk and before dawn, shall be equipped with a sufficient number of flares, lamps or lanterns which have been approved by the Department, capable of continuously producing two warning lights, each visible from a distance of at least five hundred feet for a period of at least eight hours.

Flares on  
disabled  
commercial  
motor  
vehicle. †

- (3b) Whenever any commercial motor vehicle and its lighting equipment are disabled during the period when lighted lamps are required to be displayed on vehicles and such commercial motor vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted and placed upon the highway, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.

**10.** Section 41a of *The Highway Traffic Act* as enacted by Rev. Stat.,  
 section 10 of *The Highway Traffic Amendment Act, 1930 (No. 2)* (1930,  
 is amended by adding thereto the following subsection: c. 251, s. 41a  
 c. 48, s. 10),  
 amended.

- (2) Notwithstanding the provisions of subsection 1 the Non-liability  
 owner or driver of a motor vehicle, other than a for injury  
 vehicle operated in the business of carrying pas- to gratuitous  
 sengers for compensation, shall not be liable for any passenger.  
 loss or damage resulting from bodily injury to, or  
 the death of any person being carried in, or upon, or  
 entering, or getting on to, or alighting from such  
 motor vehicle.

**11.**—(1) Subsection 1 of section 43 of *The Highway Traffic Rev. Stat.,*  
*Act* is amended by striking out all the words after the word c. 251, s. 43,  
 “vehicle” in the second line, so that the said subsection shall subs. 1,  
 now read as follows: amended.

- (1) No person under the age of sixteen years shall drive Drivers  
 or operate a motor vehicle. under 16  
 prohibited.

(2) Subsection 2 of the said section 43 is amended by Rev. Stat.,  
 striking out all the words after the word “vehicle” in the c. 251, s. 43,  
 second line so that the said subsection shall now read as subs. 2,  
 follows: amended.

- (2) No person shall employ or permit anyone under the Employment  
 age of sixteen years to drive or operate a motor of drivers  
 vehicle. under 16  
 prohibited.

**12.** Section 53 of *The Highway Traffic Act* is amended by Rev. Stat.,  
 adding thereto the following subsection: c. 251, s. 53,  
 amended.

- (3) Notwithstanding the provisions of subsections 1 and 2 Action for  
 when an action is brought, within the time limited by damages.  
 this Act, for the recovery of damages occasioned by  
 a motor vehicle and a counterclaim is made by a  
 defendant in respect of damages occasioned in the  
 same accident, the lapse of the time herein limited  
 shall be no bar to such counterclaim.

**13.** Subsection 1 of section 73 of *The Highway Traffic Act Rev. Stat.,*  
 as enacted by section 6 of *The Highway Traffic Amendment* c. 251, s. 73,  
*Act, 1930*, is amended by striking out the words “to the subs. 1  
 extent of at least \$5,000 (exclusive of interest and costs) for (1930,  
 injury to, or death of any one person, and subject to that c. 47, s. 6),  
 limit for each person so injured or killed, to the extent of at amended.  
 least \$10,000 (exclusive of interest and costs) for injury to,  
 or death of, two or more persons in any one accident, and to  
 the extent of at least \$1,000 (exclusive of interest and costs)



for damage to property of others resulting from any one accident" in the seventeenth to twenty-fourth lines and inserting in lieu thereof the words "to the extent for which financial responsibility is required to be given under section 77 hereof" so that the said subsection shall now read as follows:

License  
suspended  
for failure  
to pay  
judgments.

- (1) Subject to the provisions of section 81, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him by any court in Ontario, or in any other Province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property in excess of \$100, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 77 hereof, and until such person gives proof of his financial responsibility.

Rev. Stat.,  
c. 251, s. 77,  
cl. a  
(1932,  
c. 32, s. 6),  
amended.

14. Clause a of section 77 of *The Highway Traffic Act* as re-enacted by section 6 of *The Highway Traffic Act, 1932*, is amended by striking out the word "for" in the first and fifth lines respectively and inserting in lieu thereof the words "against loss or damage resulting from," so that the said clause shall now read as follows:

Financial  
responsi-  
bility.

- (a) at least \$5,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least \$10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident; and

Rev. Stat.,  
c. 251, s. 86,  
subs. 1  
(1930,  
c. 47, s. 6),  
amended.

15. Subsection 1 of section 86 of *The Highway Traffic Act* as enacted by section 6 of *The Highway Traffic Amendment Act, 1930*, is amended by inserting after the word "may" in the first line the words "waive the requirement of filing proof

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An Act to amend The Highway  
Traffic Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. McQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Interpretation Act.

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MR. CROLL

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No. 83

1935

# BILL

An Act to amend The Interpretation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Interpretation Amendment Act, 1935*.

Rev. Stat.,  
c. 1, s. 31,  
amended.

2. Section 31 of *The Interpretation Act* is amended by adding thereto the following clause:

"Peace  
Officer."

(xx) "Peace Officer" includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, and justice of the peace, and also the superintendent, governor, gaoler, keeper, guard or any other officer or permanent employee of a gaol or reformatory and any police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

Peace Officer is not interpreted anywhere for the purposes of provincial statutes although it is used frequently throughout the statutes. The amendment follows the definition, as far as possible, contained in the Criminal Code.

BILL

An Act to amend The Interpretation Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Interpretation Act.

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MR. CROLL

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No. 83

1935

# BILL

An Act to amend The Interpretation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Interpretation Amendment Act, 1935*.

Rev. Stat.,  
c. 1, s. 31,  
amended.

**2.** Section 31 of *The Interpretation Act* is amended by adding thereto the following clause:

"Peace  
Officer."

(xx) "Peace Officer" includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, and justice of the peace, and also the superintendent, governor, gaoler, keeper, guard or any other officer or permanent employee of a gaol or reformatory and any police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Interpretation Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

---

MR. CROLL

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Railway Act.

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MR. CROLL

---

No. 84

1935

# BILL

An Act to amend The Railway Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Railway Amendment Act, 1935*.

Rev. Stat.,  
c. 224,  
s. 267,  
subs. 2,  
amended.      **2.** Subsection 2 of section 267 of *The Railway Act* is amended by inserting after the word "traffic" in the fourth line the words "other than passenger traffic," so that the said subsection shall now read as follows:

Certain  
actions  
excepted.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic other than passenger traffic or to any action against the company for damages under the provisions of this Act respecting tolls.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

This amendment compels any person who sues a railway company for damages arising from an accident to commence the action within a period of one year from the date of such accident.

Under the law as it now stands an action may be brought at any time within six years.

BILL

An Act to amend The Railway Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

No. 84

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Railway Act.

---

MR. CROLL

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No. 84

1935

# BILL

An Act to amend The Railway Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Railway Amendment Act, 1935*.

Rev. Stat.,  
c. 224,  
s. 267,  
subs. 2,  
amended.      **2.** Subsection 2 of section 267 of *The Railway Act* is amended by inserting after the word "traffic" in the fourth line the words "other than passenger traffic," so that the said subsection shall now read as follows:

Certain  
actions  
excepted.

(2) Nothing in this section shall apply to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic other than passenger traffic or to any action against the company for damages under the provisions of this Act respecting tolls.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Railway Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

---

MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Ontario Training Schools Act, 1931.

---

MR. CROLL

---

No. 85

1935

# BILL

## An Act to amend The Ontario Training Schools Act, 1931.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Ontario Training Schools Amendment Act, 1935*.

1931,  
c. 60, s. 13,  
subs. 1,  
amended. **2.**—(1) Subsection 1 of section 13 of *The Ontario Training Schools Act, 1931*, is amended by striking out the words "in which such boy or girl was a resident at the time of admission" in the third and fourth lines and inserting in lieu thereof the words "to which such boy or girl belongs," so that the said subsection shall now read as follows:

Municipal  
per diem  
liability. (1) Subject as in this Act may otherwise be provided, when any boy or girl is admitted to a training school that municipality to which such boy or girl belongs shall be liable to the Department for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the said boy or girl in the training school.

1931,  
c. 60, s. 13,  
amended. (2) The said section 13 is amended by adding thereto the following subsections:

What  
presumed  
to be  
residence  
of child. (1a) For the purposes of this section a boy or girl shall be deemed to belong to the municipality in which such boy or girl has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the boy or girl was taken into custody shall be presumed.

Where  
child's  
residence  
insufficient,  
mother's  
taken. (1b) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which the boy's or girl's mother has last resided for one year shall be deemed liable for maintenance.

#### EXPLANATORY NOTES

SECTION 2. The phraseology of the sections respecting the maintenance in *The Industrial Schools Act* and *The Ontario Training Schools Act, 1931*, is such that in some cases no municipality can be held liable for the maintenance of a child.

The purpose of the amendments is to make uniform the provisions regarding maintenance of children in *The Children's Protection Act*, *The Industrial Schools Act* and *The Ontario Training Schools Act, 1931*, and to provide for maintenance in every possible case.

The three Acts are in *pari materia* and the provisions respecting maintenance in *The Children's Protection Act* are incorporated in the other two Acts.



What  
periods  
to be  
excluded  
in fixing  
time.

- (1c) In the computation of the time in subsections 1a and 1b, the time during which the boy or girl, or the mother of such boy or girl, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

Judge to  
determine  
municipality  
liable.

- (1d) In all other cases the judge shall determine the municipality to which the boy or girl belongs.

Commence-  
ment of  
Act.

- 3.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL  
An Act to amend The Ontario Training  
Schools Act, 1931

---

*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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---

# BILL

An Act to amend The Ontario Training Schools Act, 1931.

---

MR. CROLL

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No. 85

1935

# BILL

## An Act to amend The Ontario Training Schools Act, 1931.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Ontario Training Schools Amendment Act, 1935*.

1931, c. 60,  
s. 2, cl. h,  
repealed.

**2.** Clause *h* of section 2 of *The Ontario Training Schools Act, 1931*, is repealed.

1931,  
c. 60, s. 13,  
subs. 1,  
amended.

**3.**—(1) Subsection 1 of section 13 of *The Ontario Training Schools Act, 1931*, is amended by striking out the words “in which such boy or girl was a resident at the time of admission” in the third and fourth lines and inserting in lieu thereof the words “to which such boy or girl belongs,” so that the said subsection shall now read as follows:

Municipal  
per diem  
liability.

(1) Subject as in this Act may otherwise be provided, when any boy or girl is admitted to a training school that municipality to which such boy or girl belongs shall be liable to the Department for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the said boy or girl in the training school.

1931,  
c. 60, s. 13,  
amended.

(2) The said section 13 is amended by adding thereto the following subsections:

What  
presumed  
to be  
residence  
of child.

(1a) For the purposes of this section a boy or girl shall be deemed to belong to the municipality in which such boy or girl has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the boy or girl was taken into custody shall be presumed.

(1b) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which the boy's or girl's mother has last resided for one year shall be deemed liable for maintenance. Where child's residence insufficient, mother's taken.

(1c) In the computation of the time in subsections 1a and 1b, the time during which the boy or girl, or the mother of such boy or girl, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. What periods to be excluded in fixing time.

(1d) In all other cases the judge shall determine the municipality to which the boy or girl belongs. Judge to determine municipality liable.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Ontario Training  
Schools Act, 1931

---

*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. CROLL

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Industrial Schools Act.

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MR. CROLL

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# BILL

## An Act to amend The Industrial Schools Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Industrial Schools Amendment Act, 1935*.

Rev. Stat.,  
c. 329, s. 27,  
subs. 1  
(1931,  
c. 73, s. 15),  
amended.      **2.**—(1) Subsection 1 of section 27 of *The Industrial Schools Act* as re-enacted by section 15 of *The Industrial Schools Act, 1931*, is amended by striking out the words "in which the child resided for a period of three months within the five months next prior to his admission to the school" in the second, third and fourth lines and inserting in lieu thereof the words "to which the child belongs," so that the said subsection shall now read as follows:

Maintenance.      (1) Where the maintenance of a child is not otherwise fully provided for, the municipality to which the child belongs shall pay the sum of fifty cents per day towards the expense of maintenance.

Rev. Stat.,  
c. 329, s. 27  
(1931,  
c. 73, s. 15),  
amended.      (2) The said section 27 is amended by adding thereto the following subsections:

What  
presumed  
to be  
residence  
of child.      (1a) For the purposes of this section a child shall be deemed to belong to the municipality in which such child has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody shall be presumed.

Where  
child's  
residence  
insufficient,  
mother's  
taken.      (1b) Where the child has not resided in any municipality in Ontario for one year, the municipality in which the child's mother has last resided for one year shall be deemed liable for maintenance.

What  
periods  
to be  
excluded  
in fixing  
time.      (1c) In the computation of the time in subsections 1a and 1b, the time during which the child or the mother of the child was an inmate of a children's, infants',

#### EXPLANATORY NOTES

SECTION 2: The phraseology of the sections respecting the maintenance in *The Industrial Schools Act* and *The Ontario Training Schools Act, 1931*, is such that in some cases no municipality can be held liable for the maintenance of a child.

The purpose of the amendments is to make uniform the provisions regarding maintenance of children in *The Children's Protection Act*, *The Industrial Schools Act* and *The Ontario Training Schools Act, 1931*, and to provide for maintenance in every possible case.

The three Acts are in *pari materia* and the provisions respecting maintenance in *The Children's Protection Act* are incorporated in the other two Acts.



maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

Judge to  
determine  
municipality  
liable.

(1d) In all other cases the judge shall determine the municipality to which the child belongs.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Industrial Schools  
Act.

*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

MR. CROLL

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Industrial Schools Act.

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Mr. CROLL

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# BILL

## An Act to amend The Industrial Schools Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Industrial Schools Amendment Act, 1935*.

Rev. Stat.,  
c. 329, s. 27,  
subs. 1  
(1931,  
c. 73, s. 15),  
amended.     **2.**—(1) Subsection 1 of section 27 of *The Industrial Schools Act* as re-enacted by section 15 of *The Industrial Schools Act, 1931*, is amended by striking out the words “in which the child resided for a period of three months within the five months next prior to his admission to the school” in the second, third and fourth lines and inserting in lieu thereof the words “to which the child belongs,” so that the said subsection shall now read as follows:

Mainten-  
ance.     (1) Where the maintenance of a child is not otherwise fully provided for, the municipality to which the child belongs shall pay the sum of fifty cents per day towards the expense of maintenance.

Rev. Stat.,  
c. 329, s. 27  
(1931, s. 15),  
amended.     (2) The said section 27 is amended by adding thereto the following subsections:

What  
presumed  
to be  
residence  
of child.     (1a) For the purposes of this section a child shall be deemed to belong to the municipality in which such child has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody shall be presumed.

Where  
child's  
residence  
insufficient,  
mother's  
taken.     (1b) Where the child has not resided in any municipality in Ontario for one year, the municipality in which the child's mother has last resided for one year shall be deemed liable for maintenance.

What  
periods  
to be  
excluded  
in fixing  
time.     (1c) In the computation of the time in subsections 1a and 1b, the time during which the child or the mother of the child was an inmate of a children's, infants',

maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

(1d) In all other cases the judge shall determine the municipality to which the child belongs. Judge to determine municipality liable.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Industrial Schools  
Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Public Vehicle Act.

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MR. MCQUESTEN

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No. 87

1935

# BILL

An Act to amend The Public Vehicle Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Public Vehicle Amendment Act, 1935*.

Rev. Stat.,  
c. 252, s. 1,  
cl. (c)  
re-enacted.     **2.** Clause *c* of section 1 of *The Public Vehicle Act* is repealed and the following substituted therefor:

"Public  
vehicle."

(c) "Public Vehicle" shall mean any motor vehicle operated on a highway by, for or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, nor motor vehicles operated solely within the corporate limits of one urban municipality.

Rev. Stat.,  
c. 252, s. 2,  
subs. 1,  
amended.     **3.—(1)** Subsection 1 of section 2 of *The Public Vehicle Act* is amended by striking out the word "public" where it occurs before the word "carrier" in the second line, so that the said subsection shall now read as follows:

License  
for public  
vehicles.

(1) No person shall conduct upon a highway by means of a public vehicle, the business of a carrier of passengers, or passengers and express freight, unless licensed so to do by the Department.

Rev. Stat.,  
c. 252, s. 2,  
subs. 1a  
(1934,  
c. 49, s. 2),  
re-enacted.

(2) Subsection 1a of the said section 2 as enacted by section 2 of *The Public Vehicle Act, 1934*, is repealed and the following substituted therefor:

Advertising  
by  
unlicensed  
persons  
prohibited.

(1a) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such

#### EXPLANATORY NOTES

SECTION 2. The definition of "public vehicle" has been re-enacted to include motor vehicles which operate between two or more given points in the same manner as busses.

SECTION 3 (1). This subsection is amended to make it conform with the new definition of "Public vehicle."

SECTION 3 (2). Subsection 1a is re-enacted to prohibit advertising of any inter-urban service other than a public vehicle licensed under this Act.



transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act.

Rev. Stat.,  
c. 252, s. 18,  
amended.

4. Section 18 of *The Public Vehicle Act* is amended by striking out the words "used in the transportation of persons or property as a common carrier for compensation," so that the said section shall now read as follows:

Maximum  
working  
hours for  
drivers or  
operators.

18. No person owning, controlling, operating or managing any public vehicle shall cause or allow any driver or operator of such public vehicle to work as driver or operator for more than a maximum of ten hours in any twenty-four hour period.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 4. Section 18 is amended to make it conform with the new definition of "public vehicle."





An Act to amend The Public Vehicle Act.

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*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

---

MR. McQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Public Vehicle Act.

---

MR. MCQUESTEN

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# BILL

## An Act to amend The Public Vehicle Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Vehicle Amendment Act, 1935*.

Rev. Stat.,  
c. 252, s. 1,  
cl. (c)  
re-enacted.

2. Clause *c* of section 1 of *The Public Vehicle Act* is repealed and the following substituted therefor:

"Public  
vehicle."

(c) "Public Vehicle" shall mean any motor vehicle operated on a highway by, for or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, nor motor vehicles operated solely within the corporate limits of one urban municipality.

Rev. Stat.,  
c. 252, s. 2,  
subs. 1,  
amended.

3.—(1) Subsection 1 of section 2 of *The Public Vehicle Act* is amended by striking out the word "public" where it occurs before the word "carrier" in the second line, so that the said subsection shall now read as follows:

License  
for public  
vehicles.

(1) No person shall conduct upon a highway by means of a public vehicle, the business of a carrier of passengers, or passengers and express freight, unless licensed so to do by the Department.

Rev. Stat.,  
c. 252, s. 2,  
subs. 1a  
(1934,  
c. 49, s. 2),  
re-enacted.

(2) Subsection 1a of the said section 2 as enacted by section 2 of *The Public Vehicle Act, 1934*, is repealed and the following substituted therefor:

Advertising  
by  
unlicensed  
persons  
prohibited.

(1a) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such

transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act.

4. Section 18 of *The Public Vehicle Act* is amended by Rev. Stat., c. 252, s. 18, striking out the words "used in the transportation of persons or property as a common carrier for compensation," so that the said section shall now read as follows:

18. No person owning, controlling, operating or managing any public vehicle shall cause or allow any driver or operator of such public vehicle to work as driver or operator for more than a maximum of ten hours in any twenty-four hour period. Maximum working hours for drivers or operators.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Public Vehicle Act.

---

*1st Reading*

March 29th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. McQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Bulk Sales Act.

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MR. COLTER

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No. 88

1935

# BILL

An Act to amend The Bulk Sales Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Bulk Sales Amendment Act, 1935*.

Rev. Stat.,  
c. 167, s. 7,  
amended.      **2.** Section 7 of *The Bulk Sales Act* is amended by adding thereto the following words: "or to any person engaged solely in farming or the tillage of the soil," so that the section shall now read as follows:

Sales under  
judicial  
process and  
sales by  
farmers not  
affected.      **7.** Nothing in this Act contained shall apply to or affect any sale by executors, administrators, liquidators, receivers, assignees for the benefit of creditors or any public official acting under judicial process or to any person engaged solely in farming or the tillage of the soil.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to exclude farmers from the operation of *The Bulk Sales Act*.



BILL

An Act to amend The Bulk Sales Act.

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*1st Reading*

March 29th, 1935

*2nd Reading*

*3rd Reading*

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MR. COLTER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

An Act to declare the law with respect to The Hydro-Electric  
Power Commission of Ontario and with respect to  
certain invalid contracts.

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MR. HEPBURN

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No. 89

1935

# BILL

An Act to declare the law with respect to  
The Hydro-Electric Power Commission  
of Ontario and with respect to certain  
invalid contracts.

Preamble.

**W**HEREAS The Hydro-Electric Power Commission of Ontario was created a body corporate without capital to serve the interests of the people of Ontario and to supply such power or energy as the municipalities and the people of the said Province might require; and whereas it never was the intention of the Legislature of Ontario that the said Commission should have authority to impose financial and other obligations without consent upon the said municipal corporations, power users and taxpayers of the Province; and whereas in the year 1926 and subsequently The Hydro-Electric Power Commission of Ontario and certain corporations hereinafter more particularly referred to, did, without the consent of the said municipalities, or the ratepayers thereof, contrary to the rights of the said municipalities under existing contracts with the said Commission, and contrary to *The Power Commission Act*, and without regard to the provisions of *The British North America Act*, purport to obligate the said Commission by divers contracts to purchase over long periods of time large quantities of power generated without the Province of Ontario regardless of whether or not the said power was desired or could be used by the said municipalities; and whereas the said Commission has made payments of large sums of money under the said alleged contracts and has illegally charged the cost of the same against certain municipal corporations, and has thereby so increased the cost of power as to threaten industry within the Province and to cause unemployment; and whereas it is desirable to declare the law;

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Power Commission Act, 1935*.



Certain  
contracts  
declared  
illegal,  
void and  
unenforce-  
able.

2. The said contracts, as hereinafter set forth, are hereby declared to be and always to have been illegal, void and unenforceable as against The Hydro-Electric Power Commission of Ontario, such contracts being as follows:

- (a) Between the said Commission and Gatineau Power Company, five contracts bearing date the 19th day of May, 1926, and one contract bearing date the 27th day of July, 1926, set out in Schedule "A," hereto;
- (b) Between the said Commission and Gatineau Power Company, two contracts bearing date the 28th day of December, 1927, set out in Schedule "B" hereto;
- (c) Between the said Commission and Beauharnois Light, Heat and Power, Company, one contract bearing date the 29th day of November, 1929, set out in Schedule "C" hereto;
- (d) Between the said Commission and Chats Falls Power Company, also known as Ottawa Valley Power Company, one contract dated the 15th day of February, 1930, and one contract dated the 24th day of February, 1931, known respectively as the "Power Contract" and the "Operating Contract," set out in Schedule "D" hereto;
- (e) Between the said Commission and James McLaren Company, Limited, one contract dated the 20th day of December, 1930, and one contract dated the 14th day of January, 1931, set out in Schedule "E" hereto.

Action  
not to be  
brought  
against  
Commission.

3. No action or other proceeding shall be brought, maintained or proceeded with against the said Commission founded upon any contract by this Act declared to be void and unenforceable, or arising out of the performance or non-performance of any of the terms of the said contracts.

Contracts,—  
authority  
to enter  
into.

4. The said Commission may from time to time pay for such power as it deems advisable, and may, with the approval of the Lieutenant-Governor in Council enter into contracts therefor, and may distribute the cost thereof and all proper charges incidental thereto as determined by it among such municipalities and in such proportions as it may deem equitable, and all distribution as to such costs and charges for power heretofore purchased are validated and confirmed.

Powers of  
Commission.

5. The powers by this Act conferred on the said Commission shall be supplementary to the powers conferred on the said Commission by any other Statute.

Commence-  
ment of  
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.





## SCHEDULE "A"

BETWEEN THE HYDRO-ELECTRIC POWER COMMISSION  
OF ONTARIO

—AND THE—

## GATINEAU POWER COMPANY

1. AGREEMENT, 19TH OF MAY, 1926.
2. AGREEMENT, 19TH OF MAY, 1926.
3. AGREEMENT, 19TH OF MAY, 1926.
4. AGREEMENT, 19TH OF MAY, 1926.
5. AGREEMENT, 19TH OF MAY, 1926.
6. AGREEMENT, 27TH OF JULY, 1926.

## 1

This Indenture dated the "19th day of May," A.D. 1926.

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the Commission,

—and—

GATINEAU POWER COMPANY, a Quebec Corporation,  
hereinafter called the Company:

Witnesseth That

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1914, Chapter 39 and Amendments thereto, is authorized to enter into an agreement for a supply of electrical power or energy to the Commission;

And whereas the Company is duly incorporated under laws of the Province of Quebec, and is carrying on business or proposes so to do for the production and sale of electrical power or energy in the said Province of Quebec;

And whereas the Company is prepared to deliver electrical power or energy from its pending and future developments on the Gatineau River in the Province of Quebec to the Commission at the interprovincial boundary on the Ottawa River, at or near Chats Falls, and is willing to enter into an agreement with the Commission for such purposes;

Now therefore this Indenture witnesseth:

That for the consideration herein contained, the parties hereby covenant, promise and agree as follows:

1. The Company agrees:

(a) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1928, and thereafter so long as this Agreement shall continue in force eighty thousand (80,000) horsepower of electrical power or energy, on the conditions herein contained. Eighty Thousand (80,000) horsepower shall be the contract demand until such contract demand is increased as provided in sub-clause (b) next following:

1. (b) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1929, and thereafter so long as this Agreement shall continue in force, an additional amount of fifty thousand (50,000) horsepower of electrical power or energy, on the conditions herein contained, making a total contract demand

of one hundred and thirty thousand (130,000) horsepower until such contract demand is increased as provided in sub-clause (c) next following.

1. (c) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1930, and thereafter so long as this Agreement shall continue in force, an additional amount of thirty thousand (30,000) horsepower of electrical power or energy on the conditions herein contained, making a total contract demand of one hundred and sixty thousand (160,000) horsepower until such contract demand is increased as provided in sub-clause (d) next following.

1. (d) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1931, and thereafter so long as this Agreement shall continue in force an additional amount, not less than seventy thousand (70,000) nor more than one hundred thousand (100,000) horsepower of electrical power or energy as the Company on or before March 1st, 1930, shall specify in a notice to the Commission, on the conditions herein contained and which additional amount as fixed by the said notice added to the contract demand previously established under sub-clause (c) next preceding shall constitute the maximum contract demand.

1. (e) To install at its said Gatineau River developments sufficient equipment so as to insure fulfilment at all times of the terms of this Agreement.

1. (f) Subject to Clause 2, and Clause 5, to deliver to the Commission whenever required by the Commission, electrical power or energy up to the maximum available overload and spare capacity specified in Clause 3 (d).

1. (g) To provide a storage reservoir or storage reservoirs on the Gatineau River of eighty-two billion (82,000,000,000) cubic feet capacity, this amount having been determined by the Quebec Streams Commission as the appropriate amount to provide a minimum regulated flow at Chelsea in excess of nine thousand (9,000) cubic feet per second under normal low water conditions and an absolute minimum flow of eight thousand (8,000) cubic feet per second in the driest year on record; to use its best efforts to have such storage administered to the best advantage to facilitate its performance of this Agreement; to deliver the full amount of electrical power or energy called for in Clauses 1 (a), 1 (b), 1 (c), and 1 (d), subject to Clause 2 (c), at all times when the flow at Chelsea is one thousand (1,000) cubic feet per second or more in excess of the said absolute minimum of eight thousand (8,000) cubic feet per second, or of such increased absolute minimum as may be created by the provision of additional storage; at all other times to reduce this amount only to the extent that a reduction in the said one thousand (1,000) cubic feet per second of excess flow reduces its output, and, should the stream flow at any time decrease to less than the said absolute minimum, to keep available and deliver to the Commission a ratable proportion of all electrical power or energy possible under such conditions basing the apportionment on the amount of electrical power or energy to which the Commission is entitled when the stream flow is down to the said absolute minimum, and reducing such amount by the same per cent. by which the stream flow falls below the said absolute minimum.

2. (a) The power delivered hereunder shall be alternating, three-phase, having a periodicity of approximately 25 cycles per second and a pressure between phase wires not exceeding the commercial maximum voltage of approximately two hundred and thirty thousand (230,000) volts subject to a reduction of not over fifteen per cent. (15 %) from the said maximum voltage, from time to time, as the Commission may direct, and the equipment and apparatus installed by the Company in its plants shall be suitable for operation to obtain this condition; provided, however, that nothing herein shall be construed as obligating the Company to install apparatus having capacity in excess of its rated capacity at normal voltage. The Company shall maintain the Generator voltage within two per cent. (2 %) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall install suitable equipment for such purpose, provided that if the Commission at any time take power, as provided for in Clause 1 (f), in excess of the contract demand, then the Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed.

2. (b) Whenever the Commission shall require, from time to time, the Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plant or plants to the extent required by the Commission in order to ensure operation satisfactory to the Commission in parallel with other sources of supply. It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators in that plant and the Company agrees so far as it can do so with its equipment installed to so operate its plants as to maintain a power factor at its points of measurement to the Commission and also the delivery of power within the limits directed by the Commission, from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 2 (a).

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of seventy per cent. (70 %) thereof, and no more, that is to say, that during each week after October 1st, 1928, so long as this Agreement shall remain in force the Commission shall be entitled, subject to the provisions of Clause 3 (e), to receive such electrical power or energy as it shall require, not in excess of eighty-eight (88) kilowatt hours for each horsepower of contract demand.

On Sundays and holidays the Commission, at the request of the Company shall take not less than three (3) kilowatt hours for each horsepower of contract demand. On Saturdays the Commission, at the request of the Company, shall take not less than seven (7) kilowatt hours for each horsepower of contract demand.

2. (d) The maximum amount of the electrical power or energy delivered by the Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five per cent. (85 %) shall be eighty-five per cent. (85 %) of the kilovolt amperes considered as true power or kilowatts.

2. (e) If in any of the seven year periods, below described, the Company shall, due to conditions of stream flow, fail to have available for the Commission during the months of September to February inclusive, the full number of kilowatt hours to which the Commission is entitled under this Agreement during such months, and such failure shall extend to more than four per cent. (4 %) of such kilowatt hours, then and in such case the contract demand shall thereafter, at the option of the Commission, be reduced to such a point that had the reduced contract demand been in effect during such seven year period the deficiency aforesaid would have equalled but not exceeded four per cent. (4 %) of the full number of kilowatt hours to which the Commission would be entitled under the reduced contract demand during the months of September to February inclusive of a seven year period.

The first such seven year period shall begin October 1st, 1931, and the other seven year periods shall follow successively, provided, however, that if at the end of the sixth or any earlier year of any such seven year period the total permissible deficiency for the whole seven year period (an aggregate of twenty-eight (28) per cent. of the full number of kilowatt hours to which the Commission was entitled in any six months under the contract demand as it existed during such period) shall have been exceeded, then and in that case, the Commission may by notice in writing to the Company terminate such seven year period at any time thereafter within such seven year period, and a new seven year period shall begin forthwith and whenever such period is so ended the contract demand shall thereafter be reduced by a percentage determined by ascertaining the deficiency so occurring during the months of September to February, inclusive, of the years of such period then elapsed, expressing the same as a percentage of the full number of kilowatt hours to which the Commission was entitled in any six months under the contract demand as it existed during such period, reducing such percentage by twenty-eight, and dividing the balance by seven.

If the first such seven year period is so ended before its normal expiration the consequent reduction of contract demand shall be by a percentage determined by ascertaining the deficiency so occurring during the months of September to February, inclusive, of the years of such period then elapsed,



expressing the same as a percentage of the full number of kilowatt hours to which the Commission was entitled in any six months under the maximum contract demand, reducing such percentage by twenty-eight, and dividing the balance by five (or by six if such seven year period shall have been ended at the end of its sixth year).

But any reduction of the contract demand shall be eliminated and the original contract demand restored after, and to the extent, that the deficiency in stream flow causing the same is remedied by the provision of additional storage.

2. (f) In the application of the provisions of this Agreement the Company shall be entitled to the same credit for horsepower and kilowatt hours held available for the Commission but not taken by the Commission as if the same had been taken by the Commission, and except as provided in Clause 5 (b), no failure by the Commission to provide the necessary transmission and other facilities to receive such power, and no failure to use the same, shall relieve the Commission from any of its obligations to make the full amount of the payment herein specified to be made by it. For all purposes of this agreement the Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Company fails to have available the power which the Commission asks for, being entitled to the same under the provisions hereof, and the Commission complains of such failure at the time, and unless within fourteen days after the end of that week the Commission shall have given to the Company written notice of the fact and approximate amount of the deficiency.

If at any time, however, the Commission anticipates a deficiency in stream flow within the ensuing six (6) months' period, it may give to the Company written notice stating and certifying as facts that the Commission anticipates during the ensuing six (6) months such a deficiency in stream flow as would prevent the Company making full deliveries to the Commission throughout that period, that because and only because of such anticipated deficiency and of its desire to regulate its supply during the same the Commission desires the Company to curtail its deliveries to the Commission during such period, specifying the weeks during which the Commission desires such curtailment made, certifying that the number of kilowatt hours which in each such week the Commission would require were it not for such anticipated deficiency are as specified in such notice, stating the number of kilowatt hours curtailment which the Commission desires in each such week and giving as the balance in each such week the number of kilowatt hours which the Company is to deliver to the Commission in each such week under such curtailment programme. Such notice shall be delivered to the Company at least one clear week before the first week in which it requires curtailment. The Company shall thereupon reduce as therein required its deliveries to the Commission, and shall not be considered to have held available for the Commission in any week specified in such notice the kilowatt hours of curtailment specified in the notice, and the Commission shall be entitled to a reduction in its payments for such week in the ratio which the kilowatt hours of curtailment bear to full contract deliveries, unless at the end of the period it shall appear that there was in fact water available either from storage or from precipitation or natural run off for the supply of all or part of the kilowatt hours of curtailment. To the extent to which there was in fact water available as aforesaid to generate such kilowatt hours of curtailment the Commission shall promptly make good with interest at six per cent. (6%) per annum the amount by which its payments shall have been reduced on account of such curtailment.

The Company by receipt of any such notice shall not be bound forthwith and from day to day or week to week to curtail its deliveries to its other customers, but shall so administer the utilization of stream flow and storage that over the period covered by the notice, if the anticipated deficiency in fact occurs, the Commission shall at all times during the period specified in such notice as well as at the end thereof receive so far as is possible within the limitations imposed by the curtailment instructions of the Commission and the provisions of Clause 2 (c) its full share of the available electrical power or energy on the basis set forth in Clause 1 (g).

The Commission may at any time vary the curtailment specified in such notice for any week by giving the Company written notice of such modification at least seven days before the beginning of such week.

2. (g) If the Commission shall inadvertently take in any week more kilowatt hours than it is entitled to take in such week, and the Company shall not in advance of such excess taking have filed with the Commission a protest against the same, then upon notification from the Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same. A protest from the Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby the Commission shall limit its weekly taking to the number of kilowatt hours which it is entitled to take hereunder, always provided that the Company, so far as practicable, regulates the rate of delivery of power and the kilowatt hours from time to time as the Commission may direct.

2. (h) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the Commission and the Company co-operate. The Commission and the Company will co-operate in respect of all matters of common interest including plant and equipment design, hydrology and storage, provided that the Commission and the Company shall each have the final decision and be responsible for its respective plant and properties. The Commission and the Company will also co-operate in respect of design of control, protective, communication and other such features, as necessitate similar or co-ordinated equipment at the plants of each party. The Commission and the Company shall also install only first-class modern equipment, of such characteristics and type as are best suited for the service intended, and from time to time make such commercially reasonable changes in, or additions to, such equipment (other than major equipment) as will best serve the system as a whole. The Commission and the Company shall exercise all due skill and diligence so as to secure the satisfactory operation as a system, of the plant, apparatus, and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of such high voltage specified and length of lines contemplated.

### 3. The Commission agrees:

(a) To pay to the Company in monthly payments for all power under this Agreement at the rate of fifteen dollars (\$15.00) per horsepower per annum on the contract demand which is a total amount of one hundred thousand dollars (\$100,000) per month from October 1st, 1928, until October 1st, 1929; one hundred sixty-two thousand five hundred dollars (\$162,500) per month from October 1st, 1929, to October 1st, 1930; two hundred thousand dollars (\$200,000) per month from October 1st, 1930, to October 1st, 1931; and thereafter while this Agreement remains in force the amount in dollars per month which is obtained by multiplying the maximum contract demand as determined in Clause 1 hereof by one and one-quarter ( $1\frac{1}{4}$ ); the said monthly payments being subject always to adjustment as in this Agreement provided.

It is understood that the power developments necessary to supply the contract demand are of such size that they cannot advantageously be financed exclusively in Canada; and that therefore it will be desirable that the bonds issued by the Company to finance the development be payable, principal and interest, at the option of the holder, in gold coin of the United States of America, as have been the bonds of the Province of Ontario and of the Dominion of Canada which have been sold in the United States since the war. The Commission agrees to make all the payments to be made by it under this Agreement, in lawful money of Canada or in gold, as requested by the Company, at Toronto. If, however, and when the export of gold from Canada be embargoed, the Commission will, at the request of



the Company make such payments in New York funds. The Commission shall also have the right at its option to make any such payments at any time in New York funds.

3. (b) To pay the said monthly payments to the Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of seven per cent. (7%) per annum; provided further that if the Commission or the Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment.

3. (c) At all times to take and use the three-phase power in such manner that the current will be equally taken from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%), the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (d) At all times to take and use the power set out in Clauses 1 (a), 1 (b), 1 (c), and 1 (d) hereof, so as not to exceed the weekly takings as specified in Clause 2 (c) herein; provided that the Commission may at any time, but subject to the provisions of Clause 2 herein, increase the rate of taking of power to an amount in excess of the Contract demand, up to the limits of the overload capacity of all the equipment used from time to time by the Company exclusively to meet its obligations hereunder, and of all the unused and available capacity of the remaining 25 cycle equipment of the Company, including such spare capacity as the Company may install in order to reasonably provide for meeting the Company's obligations under this Agreement.

3. (e) To give to the Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Company, particularly as to any probable reduction in such requirements for any prospective period of light load. The intent of the parties in this clause is so far as is possible by reasonable co-operation to provide for the most economic use of the storage waters on the Gatineau watershed.

4. (a) The measurement of electrical power or energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters, provided and installed by the Company and so arranged as to measure and record accurately the said power. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above mentioned polyphase recording demand meters and the demand shall be the greatest integrate demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this sub-clause shall be construed as increasing any obligation of the Company under Clause 1.

4. (c) The power and energy covered by this Agreement shall be delivered at approximately two hundred and thirty thousand (230,000) volts (subject to Clause 2-a) as hereinbefore mentioned at the boundary between the Provinces of Ontario and Quebec at or near Chats Falls, and the Company shall install the suitable and necessary transformers, and



either two transmission circuits of three wires each, or a single circuit loop of three wires for transmission from the generating plant or plants to the point of delivery, of a type and capacity approved by the Commission. Instead of installing two circuits from the generating plants to the point of delivery, the Company may, at its option, install one single circuit loop connecting the point of delivery and the generating plants (in any event there shall be two circuits at point of delivery), or at the option of the Company, the circuits, double or loop, may in whole or in part be of One Hundred and Ten Thousand (110,000) or other intermediate voltage lower than approximately Two Hundred and Thirty Thousand (230,000); the Company in this case shall provide all the necessary intermediate step-up transformers and other equipment involved and make delivery at approximately Two Hundred and Thirty Thousand (230,000) volts according to the requirements of this Agreement. The power and energy supplied under this Agreement shall be measured on the generator voltage side of the Two Hundred and Thirty Thousand (230,000) volt step-up transformers at Farmer's, Chelsea and/or Paugan and no adjustment of such measurement shall be required except as below provided, the loss in single step transformation from generator to transmission voltage (approximately 230,000 volts as above) and transmission at this voltage from the transforming station or stations to the point of delivery having already been considered in the price herein specified. Such allowable losses shall not, however, in any case, include (1) more than one transformation loss on the total amount of power or energy involved, or (2) additional losses due to transmission at any intermediate voltage or to additional length of transmission. Any additional losses due to (1) and (2) shall be borne by the Company.

The Company will provide a suitable communication system between its plants and the point of delivery.

4. (d) Access to said instruments and transformers belonging to the Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments.

4. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power or energy hereunder shall be provided, installed and maintained by the Company.

The Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days. The Commission shall be advised at least five (5) days before the day of the test so they may if they so desire have a representative present to witness and verify such test. At any time the Commission notifies the Company that it believes that such meters or any of them are not within the closest practicable agreement with perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice. If any meters shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected. The Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time. During any time there is no meter in service it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Company's measuring equipment or for any other purpose.

4. (g) The Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission.

4. (h) The kilowatts, kilovolt-amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the

measuring equipment provided for in this Clause 4, and the University of Toronto electrical standards shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) Subject to the direction of the Commission, as provided in Clause 2, the maintenance by the Company of approximately the agreed voltage, at approximately the agreed frequency, at the point of delivery, together with the ability of the Company to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power involved in this Agreement, provided, however, that the provision in Clause 2 (a) as to 2% regulation of voltage shall apply only at the points of generation.

5. (b) In case the Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strikes, lockouts, riots, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or either of them, then to the extent of such prevention, the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power as aforesaid and the Commission shall pay for the same.

The Commission agrees, however, that in no period of seven consecutive years, beginning October 1st, 1928, shall the aggregate of the payments made by it to the Company be reduced under this Clause 5 (b) by more than ten per cent. (10%), (that is seventy per cent. (70%) of the average annual payment during the period) by reason of the Commission being prevented from receiving the said power.

5. (c) The Company shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming or transmitting equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible, arranged for at a time least objectionable to the Commission.

During such interruptions, the Commission shall be released from its obligations to pay for such power as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission.

6. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this Agreement is generated, and to take and obtain records therefrom as required. Representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the power supplied under this Agreement.

7. If any disputes arise between the parties hereto relative to the fulfilment of any of the terms, provisos or conditions of this Agreement, or as to the method or accuracy of the measurement of power or any other question which may arise under this Agreement, the same shall be promptly referred to arbitration under the Arbitration Act of the Province of Ontario, and shall be determined under the present laws of the Province of Ontario and when possible in a summary manner. The findings of the Arbitrator or Arbitrators shall be final and binding upon both parties hereto, except that either party may appeal from an award of the arbitrators as provided in the said Arbitration Act, and that the

right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited.

The Commission may pursue any or all of its remedies either concurrently or in the alternative and may treat as cumulative any or all of its remedies hereunder. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this contract.

Any failure by the Company to deliver or have available the full amount of electrical energy to which the Commission is entitled hereunder, all in the manner and under the conditions herein specified, shall be adjusted as herein provided, including the provisions for arbitration herein contained, and shall not in any event be cause for cancellation of this Agreement.

8. In case of the failure of the Company in any week to have available as set forth in Clauses 1 and 2 the full amount of electrical power or energy to which the Commission is entitled hereunder in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Company for such week; that is, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Company fails to have available as aforesaid bears to eighty-eight (88) times the then contract demand; and in addition if such failure of the Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 5 (b) shall in no way be deemed to be within the control of the Company nor shall interruptions under Clause 5 (c) be deemed within the control of the Company, but financial difficulties are to be considered within the control of the Company), the Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to fifty per cent. (50 %) of the reduction so made in the sums payable by the Commission to the Company; thereafter, to one hundred per cent. (100 %).

9. This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force for a period of thirty years, which period shall begin on the day and date when power is first taken hereunder.

10. The Commission shall be entitled at the termination of this Agreement, or within thirty days thereafter, to remove from the Company's premises any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.

11. The Commission agrees to observe strictly all Quebec and other laws affecting the exportation, outside of Canada, of the electric power or energy supplied by the Company to the Commission under this Agreement.

12. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may, from time to time, file with the other. The parties agree each to maintain its address on file with the other.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
Chairman.	Hydro-Electric
(Sgd.) W. W. Pope,	Power Commission
Secretary.	of Ontario.

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
President.	Gatineau Power
(Sgd.) F. G. SIMONS,	Company.
Secretary.	Incorporated 1926.

Checked  
260519 (Sgd.) W. G. HANNA.



## SUPPLEMENTARY AGREEMENT

To Indenture dated May 19th, 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

—and—

GATINEAU POWER COMPANY, hereinafter called the  
"Principal Agreement."

The Company shall not be liable for any partial or total failure to deliver electrical power or energy under the Principal Agreement which is due to the act of the Province of Quebec.

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

(Sgd.) C. A. MAGRATH,  
*Chairman.* (Seal)  
Hydro-Electric  
Power Commission  
of Ontario.

(Sgd.) W. W. POPE,  
*Secretary.*

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,  
*President.* (Seal)  
Gatineau Power  
Company.  
(Sgd.) F. G. SIMONS,  
*Secretary.* Incorporated 1926.

## SUPPLEMENTARY AGREEMENT

To Indenture dated "May 19th," 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

—and—

GATINEAU POWER COMPANY.

The Company shall not be obligated to install apparatus for a maximum voltage higher than that available from apparatus which the manufacturers are willing to build and recommend for use on a 220,000 volt system and in connection with standard 220,000 volt switching and auxiliary equipment, or higher than the Commission provides for in its portion of the 220,000 volt system.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,  
*Chairman.* (Seal)  
Hydro-Electric  
Power Commission  
of Ontario.

(Sgd.) W. W. POPE,  
*Secretary.*

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,  
*President.* (Seal)  
Gatineau Power  
Company.  
(Sgd.) F. G. SIMONS,  
*Secretary.* Incorporated 1926.

## SUPPLEMENTARY AGREEMENT

To Indenture dated "May 19th," 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

—and—

GATINEAU POWER COMPANY, hereinafter called the  
"Principal Agreement."

The Company may on or before August 1, 1926, notify the Commission that due to its inability theretofore to obtain certain specified and necessary rights, permits, licenses or franchises or to consummate the purchase of the Pagan water power, it is unable to proceed further with the Principal Agreement, unless the Commission will agree that the Company shall not be liable for any partial or total failure to deliver electrical power or energy under the Principal Agreement, which is due to the inability of the Company to obtain the necessary rights, permits, licenses and franchises so specified which it shall not have obtained, or to the inability of the Company to consummate its purchase of Pagan. Thereupon and within fifteen days thereafter the Commission shall notify the Company whether the Commission is willing to make such Agreement. If the Commission is unwilling to make such Agreement, the Principal Agreement shall be at an end and neither party shall be liable to the other. If the Commission does make such Agreement, and the Company thereafter makes a partial failure to deliver electrical power or energy, as herein provided, and such partial failure is of a permanent nature, a corresponding reduction shall be made in the contract demand.

The Commission agrees that it will promptly join with the Company in an application for the Ottawa River crossing in the neighbourhood of Chats Falls, and will prepare and have ready an application for this purpose together with all necessary accompanying plans on or before May 20, 1926. In case such plans shall be delayed beyond May 20, the date of August 1, shall be correspondingly postponed.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
<i>Chairman.</i>	Hydro-Electric
	Power Commission
(Sgd.) W. W. POPE,	of Ontario.
<i>Secretary.</i>	

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
<i>President.</i>	Gatineau Power
	Company.
(Sgd.) F. G. SIMONS,	Incorporated 1926.
<i>Secretary.</i>	

## SUPPLEMENTARY AGREEMENT

To Indenture dated "May 19th," 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

—and—

GATINEAU POWER COMPANY, hereinafter called the  
"Principal Agreement."

The rates to be paid and payments to be made by the Commission, as set out in sub-clause (a) of Clause 3 of the Principal Agreement, shall, subject to the provisions of this supplementary agreement include all compensation to the Company for all taxes, rentals, licenses, fees and charges that may be levied, assessed or imposed by Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof. If, however, while the Principal Agreement shall continue in force (1) any Dominion or Provincial taxes or charges not now in existence should be created, or any now existing be increased, or (2) the rentals or royalties which are payable as now specified under the lease from the Crown of the Pagan water power generating the electrical energy supplied to the Commission hereunder shall be increased in such manner as to increase the cost to the Company in respect of these items of the electrical power or energy kept available for and delivered to the Commission under the Principal Agreement, then in each and any such case, an increase shall be made in the payments by the Commission to the Company hereunder which shall after crediting any reductions in any of such items exactly compensate the company for the increase thereby occasioned in the cost to the Company of the electrical power or energy kept available for and delivered to the Commission under the Principal Agreement.

The recently authorized Quebec tax not yet promulgated is not considered as now in existence.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
<i>Chairman.</i>	Hydro-Electric
	Power Commission
(Sgd.) W. W. POPE,	of Ontario.
<i>Secretary.</i>	

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
<i>President.</i>	Gatineau Power
	Company.
(Sgd.) F. G. SIMONS,	Incorporated 1926.
<i>Secretary.</i>	



## SUPPLEMENTARY AGREEMENT

To Indenture dated May 19, 1926.

BETWEEN:

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

—and—

GATINEAU POWER COMPANY (hereinafter called the  
"Principal Agreement").

1. The place of delivery of the power and energy shall instead of being at the boundary between the Provinces of Ontario and Quebec at or near Chats Falls as mentioned in one of the recitals in the Principal Agreement and required by Clause 4 (c) of the Principal Agreement, be a point in the Province of Ontario ten feet distant from the boundary between the Provinces of Ontario and Quebec at or near Chats Falls.

2. It is understood and agreed between the parties hereto that the said change in place of delivery shall not subject the Company to the burden of taxes, fees or other charges levied, assessed or imposed in respect of the electrical power or energy sold and delivered under the Principal Agreement and supplementary agreements as hereinafter provided by or under the authority of the Province of Ontario or any taxing authority thereof or therein; and notwithstanding any provision of the Principal Agreement or of the agreement supplementary thereto between the parties (hereinafter mentioned) relating to the rates to be paid and payments to be made by the Commission and the inclusion therein of compensation to the Company for taxes, rentals, licenses, fees, and charges of Dominion, Provincial or municipal or any authorities, the Commission will indemnify the Company against and reimburse the Company for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario or any authority thereof or thereunder, including any municipality therein, in respect of the ownership, operation, maintenance or use of the ten feet of transmission lines in Ontario, or in respect of the transmission, sale or delivery of power or energy under the Principal Agreement and supplementary agreements or in respect of the gross or net income derived therefrom, whether any such tax, fee or other charge is levied, assessed or imposed upon the Company itself or its property, or upon the owner of such ten feet of transmission lines (if the same is not owned by the Company) or upon the property of such owner.

3. The Principal Agreement and the four supplementary agreements for the following purposes:

- (1) Agreement in reference to the Company's ability to obtain certain rights and franchises to permit it to make delivery of power to the Commission, and in default of it being able to do so before August 1st, 1926, making certain provisions for cancellation of the Principal Agreement;
- (2) Agreement with reference to additional or increased Dominion or Provincial taxes and charges, providing that the Commission must pay the same;
- (3) Agreement relieving the Company from liability for failure to deliver power under the Principal Agreement due to any Act of the Province of Quebec;
- (4) Agreement relieving the Company from installation of apparatus of maximum voltage higher than that which the manufacturers are willing to recommend;

Together with this Supplementary Agreement, are hereby entered into as of the 19th day of May, 1926, and all the covenants, terms and conditions set out in the Principal Agreement and the aforesaid five supplementary agreements are hereby agreed to by the parties hereto as of the 19th day of May, 1926.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers this 27th day of July, 1926.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
<i>Chairman.</i>	Hydro-Electric
(Sgd.) W. W. POPE,	Power Commission
<i>Secretary.</i>	of Ontario.

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
<i>President.</i>	Gatineau Power
(Sgd.) F. G. SIMONS,	Company
<i>Secretary.</i>	Incorporated 1926.

## SCHEDULE "B"

BETWEEN:

THE ONTARIO HYDRO-ELECTRIC POWER COMMISSION

—AND THE—

GATINEAU POWER COMPANY

1. AGREEMENT, AS OF DECEMBER 28TH, 1927.

2. AGREEMENT, AS OF DECEMBER 28TH, 1927.

## 1

This Indenture dated the 28th day of December, A.D. 1927.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.  
hereinafter called "the Commission,"

of the first part

—and—

GATINEAU POWER COMPANY, hereinafter called "the  
Company"

of the second part.

Witnesseth That

Whereas the Commission, acting under *The Power Commission Act, 1927*, 17 Geo. V., Chapter 17, and Amendments thereto, is authorized to enter into an Agreement for the purchase of electrical power and energy for the Commission;

And whereas the Company is duly incorporated under laws of the Province of Quebec, and is carrying on business for the production and sale of electrical power and energy;

And whereas the Company is prepared to deliver electrical power and energy from its present and future developments on the Gatineau River and elsewhere in the Province of Quebec to the Commission at the points in Ontario hereinafter provided, and is willing to enter into an Agreement with the Commission for such purposes;

Now therefore this Indenture witnesseth:

That for the consideration herein contained, the parties hereby covenant, promise and agree as follows:

1. The Company agrees:

(a) To keep available for delivery to the Commission and deliver when and as required by the Commission on the conditions herein contained electrical power and energy which shall not be less than the minimum amounts specified in the following schedule during the times therein mentioned namely:

Commencing on the First day of October, 1928, and continuing until increased on the First day of October, 1929, the minimum amount of six thousand horsepower (6,000 H.P.);

Commencing on the First day of October, 1929, and continuing until increased on the First day of October, 1930, the minimum amount of twelve thousand horsepower (12,000 H.P.);

Commencing on the First day of October, 1930, and continuing until increased on the First day of October, 1931, the minimum amount of eighteen thousand horsepower (18,000 H.P.);

Commencing on the First day of October, 1931, and continuing until increased on the First day of October, 1932, the minimum amount of twenty-four thousand horsepower (24,000 H.P.);

Commencing on the First day of October, 1932, and continuing until increased on the First day of October, 1933, the minimum amount of thirty thousand horsepower (30,000 H.P.);

Commencing on the First day of October, 1933, and continuing until increased on the First day of October, 1934, the minimum amount of thirty-six thousand horsepower (36,000 H.P.);

Commencing on the First day of October, 1934, and continuing until increased on the First day of October, 1935, the minimum amount of forty-two thousand horsepower (42,000 H.P.);

Commencing on the First day of October, 1935, and continuing until increased on the First day of October, 1936, the minimum amount of forty-eight thousand horsepower (48,000 H.P.);

Commencing on the First day of October, 1936, and continuing until increased on the First day of October, 1937, the minimum amount of fifty-four thousand horsepower (54,000 H.P.);

Commencing on the First day of October, 1937, and continuing so long as this Agreement shall continue in force the minimum amount of sixty thousand horsepower (60,000 H.P.);

Provided that each minimum amount specified in the said schedule shall be the contract demand during the time therein mentioned unless and until increased as provided herein:

1. (b) To keep available for delivery to the Commission and deliver when and as required by the Commission after written notice from the Commission given from time to time prior to the First day of October, 1938, and effective subject to the provisions of Sub-clause (e) of Clause 3 additional electrical power and energy in addition to the then contract demand up to but not exceeding that amount which with the then contract demand will make a total amount of one hundred thousand horsepower (100,000 H.P.) provided that the total amount of electrical power and energy from time to time to be kept available shall be the contract demand; provided that any additional amount or amounts required by the Commission by notice or notices from time to time under this Sub-clause (b) or such portion thereof as the Commission may determine shall be applied at the option of the Commission to be expressed in such notice: (A) to take up and form part of the increases in minimum amounts provided for in Sub-clause (a) of this Clause 1; or (B) to add to the said minimum amounts as a permanent addition thereto and increase of contract demand, in which case the Commission shall be entitled to the increases in minimum amounts provided for under Sub-clause (a) and all the additions under Sub-clause (b) up to but not exceeding the total amount of one hundred thousand horsepower (100,000 H.P.); and provided further that the total amount including the minimum of sixty thousand horsepower (60,000 H.P.) and subject to the above option all electrical power and energy in addition thereto which the Commission shall have ordered by notice as aforesaid prior to the first day of October, 1938, shall constitute the contract demand commencing on the said First day of October, 1938, or so soon thereafter as the same shall be available but in any event not later than the year or two years respectively allowed under Sub-clause (e) of Clause 3 and continuing so long as this Agreement remains in force subject always to any increase which may be made under Sub-clause (a) of Clause 2; One hundred thousand horsepower (100,000 H.P.) or such greater amount as shall have become the contract demand by reason of increase under Sub-clause (a) of Clause 2 shall be the contract demand governing this Agreement; and shall remain unaltered notwithstanding the provisions for ten per cent. (10%) excess in Sub-clause (e) of Clause 2, except as therein provided;

1. (c) To install at its said Gatineau River and other developments sufficient equipment and also transmission lines so as to insure fulfilment at all times of the terms of this Agreement.



1. (d) To provide a storage reservoir, or storage reservoirs on the Gatineau River of at least 82,000,000,000 cubic feet capacity this amount having been determined by the Quebec Streams Commission as the appropriate amount to provide a normal minimum regulated stream flow at Chelsea in excess of 9,000 c.f.s.; to use its best efforts to have such storage administered to the best advantage to facilitate its performance of this Agreement; to deliver the full amount of electrical power and energy called for in the preceding sub-clauses of this clause and Sub-clause (b) of Clause 2 at all times when the stream flow at Chelsea would be at least equal to such normal minimum of 9,000 c.f.s. with a capacity of 82,000,000,000 cubic feet of storage; at all times when with storage capacity provided to the amount of 82,000,000,000 cubic feet as aforesaid the river would not have provided a stream flow at Chelsea of 9,000 c.f.s., the amount of electrical energy to which the Commission is entitled hereunder shall during the period of such deficiency be reduced in the same percentage by which the stream flow available with storage capacity to the amount of 82,000,000,000 cubic feet would have fallen below the said minimum;

Provided that the storage reservoir or reservoirs mentioned in this sub-clause shall be the same and shall not be in addition to the storage reservoir or reservoirs mentioned in the contract between the Company and the Commission dated the 19th day of May, A.D. 1926:

1. (e) If at any time or times, however, the Commission anticipates a deficiency in stream flow below the said normal minimum regulated flow within the ensuing six (6) months' period, it may give to the Company written notice stating and certifying as facts that the Commission anticipates during the ensuing six (6) months such a deficiency in stream flow as would prevent the Company making full deliveries to the Commission throughout that period, that because and only because of such anticipated deficiency and of its desire to regulate its supply during the said period the Commission desires the Company to curtail its deliveries to the Commission at times during such period, specifying the weeks during which the Commission desires such curtailment made, and certifying the number of kilowatt hours which the Commission would require in each such week were it not for such anticipated deficiency, the number of kilowatt hours curtailment which the Commission desires in each such week, and the number of kilowatt hours which the Company is to deliver to the Commission in each such week under such curtailment programme. Such notice shall be delivered to the Company at least one clear week before the first week in which it requires curtailment. The Company shall thereupon reduce as therein required its deliveries to the Commission, and shall not be considered to have held available for the Commission in any week specified in such notice the kilowatt hours of curtailment specified in the notice, and the Commission shall be entitled to a reduction in its payments for such week in the ratio which the kilowatt hours of curtailment bear to full contract deliveries; if at the end of such six months' period it shall appear that there was in fact water available either from storage or precipitation or natural run-off for the supply of all or part of the kilowatt hours of curtailment then to the extent to which there was in fact water available as aforesaid to generate such kilowatt hours of curtailment, the Commission shall promptly make good with interest at six per cent. (6%) per annum the amount by which its payments have been reduced on account of such curtailment.

If the anticipated deficiency in fact occurs the Commission shall at all times during the six months' period specified in such notice be entitled to receive within the requirements imposed by the curtailment notices of the Commission and the provisions of sub-clause (b) of Clause 2 the full amount of the contract power and energy subject to sub-clause (d) of this Clause.

The Commission may at any time vary the curtailment specified in such notice for any week by giving the Company written notice of such modification at least seven days before the beginning of such week;

2. (a) The power delivered hereunder shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second and a pressure between phase wires of approximately one hundred and fourteen thousand (114,000) volts at the Interprovincial boundary at or near Ottawa; the Company shall maintain the generator voltage within 2%

of the generator voltage corresponding to the 114,000 volts at the said Interprovincial boundary; the power delivered hereunder shall be commercially continuous twenty-four hour power every day in the year except as provided herein; the Company shall install suitable and necessary works and equipment for such purposes including two transmission lines of three conductors each from the generating plant or plants of the Company to the points of delivery of a type and capacity approved by the Commission.

The Company at all times shall use its best endeavour to co-operate with the Commission by such means and to the extent it may consider proper to meet the requirements of the Commission in variation of the aforesaid voltage so as to furnish a voltage satisfactory to the Commission; when the maximum contract demand shall have been determined under this agreement the Company shall co-operate with the Commission to the end that power may be furnished to the Commission from a separate group of generating units and/or transforming units independent of (not in parallel with) any other system or from a source or sources of power independent of generating systems other than the generating systems of the Company on the Gatineau and Ottawa Rivers and their tributaries.

If the Commission gives notice in writing to the Company that it requires power to be supplied to it from separate equipment or from a separate group of generating units and/or transforming units as aforesaid and if the Company claims that for such purpose works and equipment are necessary in addition to the works and equipment of the Company then in existence or changes are thereby necessary in the said then existing works and equipment of the Company then the Company within six months of receipt of the said notice from the Commission shall give to the Commission full details of the additional works and equipment and/or changes which it alleges to be necessary together with an itemized statement showing in detail the estimated cost thereof. If upon the receipt of the said details the Commission agree with the proposals and approves of the extent and type of the additional works and equipment and/or changes as proposed by the Company, then the Company shall upon the request of the Commission proceed with the work and when completed the Commission shall pay one-half of the balance of the cost thereof remaining after deducting from the total such amount as may be agreed upon or determined as the salvage value and accrued depreciation on the equipment, plant or part thereof replaced in the then existing plant by reason of the said additional works, equipment and/or changes, but if the Commission and the Company do not agree as to the necessity for or desirability of the extent and type of additional works and equipment and/or changes as proposed by the Company the Commission may nevertheless request the Company to proceed with such additional works, equipment and/or changes, or such part thereof as the Company deems necessary to enable it to meet the requirements of the Commission under the notice as aforesaid, and in such case the Company shall thereafter as speedily as possible proceed with such additional works and equipment and/or changes, and in such case the Commission shall pay to the Company one-half of the balance of the cost thereof (remaining after deducting from the total such amount as may be agreed upon or determined as the salvage value and accrued depreciation of the equipment, plant or part thereof replaced in the then existing plant by reason of the said additional works and equipment and/or changes) as may under the terms of this Agreement be finally determined as having been necessary expenditures by the Company in order to enable it to comply with the said notice in writing as aforesaid.

If in order to furnish power to the Commission from separate equipment or independent sources as aforesaid it is necessary for the Company to allot a unit of equipment or group of units for such service when the normal capacity of the said unit or group together with the other units forming the group is greater than the then contract demand and the Company cannot alter or re-arrange the said unit or group the Company shall have the option (a) of requiring the Commission to increase the contract demand as provided in sub-clause (b) of Clause 1 to any amount up to that amount which shall require all the normal capacity of the said unit or groups with the other units forming the group or (b) of supplying power from the said unit or group both to the Commission



and also to other customers of the Company but not connected to (not in parallel with) other generating units to such an extent that the Commission's contract demand and the other loads will approximately equal the normal capacity of the said unit with the other units forming the group; the change in contract demand contemplated by this sub-clause (a) shall become effective even if thereby the maximum contract demand covering this Agreement as defined in sub-clause (b) of Clause 1 exceeds 100,000 horsepower; the excess of 10 % provided for in sub-clause (e) of Clause 2 shall be over and above the contract demand as hereby changed.

2. (b) The Commission shall be entitled to the contract demand, up to a maximum weekly load factor of seventy per cent. (70 %) thereof and no more; that is to say, that during each calendar week after October 1st, 1928, so long as this Agreement shall remain in force, the Commission shall be entitled, subject, to Clauses 3 (f), 5 (b) and 8, to receive such electrical energy as it shall require, not in excess of eighty-eight (88) kilowatt-hours for each horsepower of contract demand.

On Sundays and holidays, the Commission at the request of the Company, shall take not less than three (3) kilowatt-hours for each horsepower of contract demand. On Saturdays, the Commission, at the request of the Company, shall take not less than seven (7) kilowatt-hours for each horsepower of contract demand.

In the event of an increase in the contract demand occurring other than at the beginning of a calendar week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week.

2. (c) The maximum amount of electrical power and energy delivered by the Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five per cent. (85 %) shall be eighty-five per cent. (85 %) of the kilovolt amperes considered as true power or kilowatts, subject to the inadvertent taking under Clause 2 (d).

2. (d) It is understood and agreed that in the operation of extensive generation and transmission systems, consisting of several generating plants, in parallel, the control of the power and energy supplied from one system to another and the power factor thereof is to an extent within the control of the operators in the generating plants of the system from which the power and energy is supplied, and, in order to insure satisfactory operation in parallel with the other sources of supply of the Commission, it is agreed that the Company shall co-operate to the fullest extent, so far as normal operation of its Gatineau River generating and transforming systems and their interconnecting transmission systems will permit, with the Commission in controlling the power factor and the amount of power and energy delivered to the Commission by the Company hereunder.

The Commission on its part shall use its best efforts to keep its power demands on the Company's system within the contract demand and to maintain the power factor within the limits defined in Sub-clause (c) of this Clause 2 and will not intentionally permit its power demands to exceed the contract demand or the power factor to fall below 85 %.

If by reason of such parallel operation, the Commission shall inadvertently receive electrical power from the Company at a lower power factor than herein provided, or in excess of the amount of the then contract demand, then the Commission shall not be subject to any charge hereunder for such excess taking of power and such excess taking shall not increase the contract demand as herein defined or increase the amount of the payment provided for in Sub-clause (b) of Clause 3 and shall not increase or affect, in any way, any obligation of, or impose any obligation upon the Commission hereunder; excepting that the Company shall forthwith notify the Commission of such excess and thereupon both parties shall exercise all skill and diligence so as to limit to the utmost such excess taking to a minimum amount and to the shortest possible period of time reasonably necessary for the proper adjustment of the load and power factor between the various generating plants;

2. (e) The Commission at any time or times, and otherwise than provided in Clause 2 (d) may, on notice in writing to the Company, take electrical power in excess of the then contract demand up to but not exceeding 10% in excess of the then contract demand; in each month in which any such excess is taken, the amount taken comprising both the then contract demand and such excess shall be deemed to be the contract demand for that month for all purposes under this Agreement; provided that the Commission shall in each year pay to the Company, as a minimum for not less than the equivalent of four months' taking of the said ten per cent. (10%) in excess of contract demand, whether any such excess is taken or not; provided, further, that except for the purposes of this Sub-clause nothing contained in this sub-clause shall affect the provisions of Sub-clauses (a) and (b) of Clause 1.

2. (f) If the Commission shall take in any week more kilowatt hours than it is entitled to take in such week, and the Company shall not in advance of such excess taking have filed with the Commission a protest against the same, then upon notice in writing from the Company, the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any charge for such excess taking, or for any delay in making good the same. A protest from the Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby, the Commission shall limit its weekly taking to the number of kilowatt-hours which it is entitled to take hereunder; always provided that the Company, so far as practicable, regulates the rate of delivery of power and the kilowatt-hours from time to time, as the Commission may direct.

2. (g) The Company shall be considered to have held available for the Commission in each week all the power and energy to which the Commission was entitled in that week unless the Company has failed so to do and the Commission complains forthwith of the Company's failure to have the power and energy available as aforesaid and within fourteen (14) days after the end of the week in which the failure occurs the Commission shall have given to the Company written notice of the complaint;

2. (h) The Commission and the Company will co-operate in respect of all matters of common interest, including plant and equipment, design, hydrology and storage, provided that the Commission and the Company shall each have the final decision and be responsible for its respective plants and properties. The Commission and the Company will also co-operate in respect of design and control, protective communication and other such features, as necessitate similar or co-ordinated equipment at the plants of each party. The Commission and the Company shall also install only first-class, modern equipment of such characteristics and type as are best suited for the service intended, and from time to time make such commercially reasonable changes in, or additions to, such equipment (other than major equipment), as will best serve the system as a whole. The Commission and the Company shall exercise all due skill and diligence, so as to secure the satisfactory operation as a system, of the plant, apparatus, and property of both the Commission and the Company.

### 3. The Commission agrees:

(a) To take from the Company all the electrical power and energy mentioned in Sub-clause (a) of Clause 1 at the times therein provided or at such earlier dates as may be required.

3. (b) To pay to the Company in monthly payments for the then contract demand at the following rates, namely:

- (1) For that part of the contract demand taken by the Commission at Ottawa as hereinafter provided which part shall not be less than approximately 25% of the contract demand at the rate of fifteen dollars (\$15.00) per horsepower per annum;
- (2) For the remainder of the contract demand at the rate of Fourteen Dollars and Seventy Cents (\$14.70) per horsepower per annum delivered as at Smith's Falls;

the said monthly payments shall be subject always to adjustments as in this Agreement provided;

The Commission agrees to make all payments to be made by it under this Agreement in lawful money of Canada or if demanded in gold of the present standard of weight and fineness in Canada, provided that if Canada suspends payment in gold then during the time of such suspension payments shall be made in lawful money of Canada, at such bank as the Company may designate in writing from time to time in the city of Toronto.

3. (c) To pay each said monthly payment to the Company after receipt of a bill therefor which shall be rendered by the Company to the Commission on the Tenth day of each month for the amount owing for the preceding month on or before the Twentieth day of the then current month; and all payments in arrears shall bear interest at the rate of Six per cent. (6%) per annum; provided, further, that if the Commission or the Company be entitled to any adjustment in respect of any such bill such adjustment shall be given effect to in the monthly payment next falling due.

3. (d) At all times to take and use the power and energy in such a manner that the current will be equally taken from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%), the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (e) To give to the Company notice in writing from time to time of all power and energy in excess of the then contract demand which the Commission desires from the Company and is entitled to under this agreement; provided that so long as the contract demand after increase by the said additional power and energy does not exceed sixty thousand horsepower (60,000 H.P.) the Company shall not be obliged to deliver the said additional power and energy until one year after the receipt of such notice if generating equipment in addition to the then existing generating plants or new hydro-electric development is required for the delivery of the said additional power and energy and for the provision of such a reserve as may be necessary for the next ensuing increase in minimum power to be held available under sub-clause (a) of Clause 1 or such lesser period as may be necessary to provide such equipment and/or development; provided further that when the contract demand after increase by the said additional power and energy exceeds sixty thousand horsepower (60,000 H.P.) the Company shall not be obliged to deliver the said additional power and energy until one year after the receipt of said notice if generating equipment in addition to the then existing generating equipment is required for the delivery of the said additional power and energy nor until two years after the receipt of said notice if new hydro-electric development is required for the delivery of the said additional power and energy or such lesser periods as may be necessary to provide such equipment and/or development.

Within one month after receipt of the said notice from the Commission the Company shall give to the Commission notice in writing stating when the Company will have available and be ready to deliver the power and energy mentioned in the Commission's notice.

If the Company shall give notice to the Commission as hereinbefore provided that the Company requires time to make the same available then the Commission during the interval may obtain the said power elsewhere.

All 60 cycle power purchased by the Commission to meet the Commission's requirements for the Commission's central Ontario, Rideau, St. Lawrence and Ottawa Systems other than power already contracted for, by or being supplied to the Commission shall be purchased from the Company until the contract demand under this agreement shall have reached 100,000 horsepower or shall have been fixed at a lesser amount on the First day of October, 1938; provided always that if the Company fails to have power available at the times provided and in accordance with the terms of this agreement then the Commission in addition to its other rights hereunder may purchase the said 60 cycle power elsewhere.



The Commission at any time may itself develop power.

3. (f) To give the Company from time to time, such information as it reasonably can regarding its expected requirements in kilowatt-hours from the Company, particularly as to any probable reduction in such requirements for any prospective period of light load. The intent of the parties in this Clause is so far as is possible by reasonable co-operation to provide for the most economic use of the Company's storage waters.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters, so arranged as to measure and record accurately the said power and energy.

4. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above-mentioned polyphase recording demand meters and the demand shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power.

4. (c) The power and energy covered by this Agreement shall be kept available for delivery to the Commission and shall be delivered at two points of delivery in the Province of Ontario, namely, at the Western boundary of the City of Ottawa; and at the Northern boundary of the Town of Smiths Falls.

4. (d) The point of measurement for the power and energy supplied under this Agreement shall be at the generating plant or plants of the Company and/or at, or near the points of delivery by meters provided, installed and maintained by the Company.

Whenever the said measuring instruments are connected at other than the points of delivery, their readings shall be subject to a correction and shall be corrected to give readings such as would be obtained by instruments connected at the points of delivery; such correction shall be based, as far as possible, on actual tests made on the apparatus concerned, or on calculations, based on a certified test data to be in accordance with the standard rules of the American Institute of Electrical Engineers.

Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded on forms provided by the owner of the meters. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the owner of the meters to the other party and such records shall be finally forwarded to the Commission and filed with the Commission, to be available for inspection of both parties at all reasonable times.

The Company will provide and maintain a suitable communication system between its plants and the points of delivery.

4. (e) Access to said instruments, transformers and other measuring equipment of either party shall be free to the other party at any and all times, and either party may test any such measuring equipment of the other party at any reasonable time in the presence of a Representative of the other party by giving to the other party seven (7) days' previous notice in writing of its desire to test such measuring equipment;

4. (f) The owner of the measuring instruments agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days. The other party hereto shall be advised at least five (5) days before the day of the test, so it may, if it so desire, have a representative present to witness and verify such test. At any time, the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, said meter or meters shall be jointly tested within five (5) days from the receipt by the Company of the said notice. If any meter shall be found on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected.

The Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time. During any time there is no meter in service, it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4. (g) The Commission may, from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Company's measuring equipment or for any other purpose.

4. (h) Each party shall be responsible for any damage to property or apparatus furnished by the other party for the purpose of supplying or measuring power hereunder and installed on its property, providing such damage originates from a source external to said apparatus of the other party and is not due to defects in the apparatus of the other party.

4. (i) The kilowatts, kilovolt-amperes, kilowatt hours, or any other factors or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4, and the University of Toronto electrical standards shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) The maintenance by the Company of approximately the agreed voltage, at approximately the agreed frequency, as herein provided, together with the ability of the Company to meet the requirements of the Commission under this Agreement shall constitute the delivery of power involved in this Agreement, provided, however, that the provision in Clause 2 (a) as to 2% regulation of voltage shall apply only at the points of generation.

5. (b) In case the Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strikes, lock-outs, riots, fire, invasion, explosion, hurricane, flood, act of God or the King's enemies, then to the extent of such prevention, the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power as aforesaid and the Commission shall pay for the same.

5. (c) The Company shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming or transmitting equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible, arranged for at a time least objectionable to the Commission.

During such interruptions, the Commission shall be released from its obligations to pay for such power as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission.

6. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this agreement is generated, and to take and obtain records therefrom as required. Representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the power supplied under this Agreement.

7. If any dispute arise between the parties hereto relative to the fulfilment of any of the terms, provisos or conditions of this Agreement or as



to the method or accuracy of the measurement of power, or any other question which may arise under this Agreement, the same shall be referred to arbitration under the present Arbitration Act of the Province of Ontario, R.S.O. 1914, Chapter 65, and shall be determined under the laws of the Province of Ontario and the findings of the said arbitrator or arbitrators shall be final and binding on both parties hereto except that either party may appeal from an award of the arbitrators as provided in the said Arbitration Act, and that the right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited.

8. In case of failure of the Company to have available in any week the full amount of electrical energy (kilowatt-hours) to which the Commission is entitled in such week there shall be a proportionate reduction in the sums payable by the Commission to the Company at the end of the month in respect of such week, that is the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt-hours which the Company fails to have available bears to eighty-eight (88) times the then contract demand in horsepower.

In case of the failure of the Company during any period to have available the full amount of electrical power (horsepower) to which the Commission is entitled hereunder, there shall be a proportionate reduction in the sum payable by the Commission to the Company for such period, that is, the amount accrued due from the Commission to the Company during such period shall be reduced by a sum having the same ratio to such accrued amount as the average number of horsepower of electrical power which the Company fails to have available during such period bears to the then contract demand in horsepower; no reduction shall, however, be made in respect of inadvertent failure of less than an aggregate of twenty minutes in any one week; provided that if during the week including such period the load factor of the electrical energy delivered to the Commission exceeds seventy per cent. (70%) of the contract demand as reduced by such average number of horsepower of electrical power which the Company fails to have available throughout such week the Commission shall credit on the reduction a rateable payment for the excess kilowatt hours.

Provided further that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy or in respect of power whichever reduction shall be greater.

In addition if any such failure of the Company be due to causes within its control (deficiency of stream flow or any interruption mentioned in Sub-clauses (b) and (c) of Clause 5 shall not be deemed to be within the control of the Company) the Company shall pay to the Commission as liquidated damages agreed and fixed upon beforehand a sum of money equal to one hundred per cent. (100%) of the reduction so made in the sums payable by the Commission to the Company.

If in any period of twelve months while this Agreement remains in force the Company fails for a total of twenty-six weeks to have available the full amount of electrical power and energy which is necessary to perform the Company's obligation under this contract then notwithstanding anything in this Agreement the Commission at its option, by notice in writing to the Company given not later than three months after termination of such period, may to the extent of the deficiency reduce the said contract demand and purchase electrical power and energy elsewhere.

In case any of the works of the Company are wholly or partly destroyed and rendered unfit for service so as to prevent the Company from fulfilling its obligations under this contract, or so as to materially interfere with the Company in fulfilling its obligations, and such conditions shall exist for a period of six months without the Company taking such steps as the Commission consider satisfactory to remedy the same, the Commission may, in case the disability is total, cancel this Agreement, or in case such disability is only partial, reduce the contract demand to the delivery of the amount of power which, in the opinion of the Commission, the Company is capable of delivering under the circumstances.

9. The Commission may pursue any or all of its remedies either concurrently or in the alternative and may treat as cumulative any or all



of its remedies hereunder. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement.

10. This Agreement shall be binding upon both parties hereto, upon its execution and shall continue in force for a period of forty years from the First day of October, 1928, and shall end on the Thirtieth day of September, 1968.

11. Each party shall be entitled at any time prior to thirty days after written notice given by the other party after the termination of this Agreement, to remove from the premises of the other party any and all plant, apparatus and equipment which may have been installed by it for the supply or measurement of power hereunder.

12. The Commission agrees to observe strictly, all Quebec and other laws affecting the exportation outside of Canada of the electrical power and energy supplied by the Company to the Commission under this Agreement.

13. The rates to be paid and payments to be made by the Commission, as set out in sub-clause (b) of Clause 3, shall, subject to the provisions of this Agreement include all compensation to the Company for all taxes, rentals, licenses, fees and charges that may be levied, assessed or imposed by Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof. If, however, while this Agreement shall continue in force (1) any Dominion or Provincial taxes or charges not now in existence should be created, or any now existing be increased, or (2) the rentals or royalties which are payable, be increased in such manner as to increase the cost to the Company by reason of these items of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and any such case, an increase shall be made in the payments by the Commission to the Company hereunder which shall after crediting any reduction in any of such items exactly compensate the Company for the increase thereby occasioned in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission under this Agreement; provided that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed a tax for the purposes of this Clause and the liabilities and obligations of the Commission shall not be in any way increased thereby but the same shall be borne by the Company.

The recently authorized educational tax of the Province of Quebec not yet promulgated is not considered as now in existence.

14. The transmission lines and equipment in Ontario constructed or used by the Company for the purpose of delivering electrical energy under this Agreement shall be used solely for the said purpose and no electrical power or energy shall be transmitted or sold by means of the said lines and equipment except to the Commission.

15. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may, from time to time, file with the other. The parties agree each to maintain its address on file with the other.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

I.B.L.  
HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

Approved:  
GEO. H. KILMER.  
G. T. CLARKSON.  
F. A. GABY.

(Sgd.) C. A. MAGRATH,  
*Chairman.* Corporate Seal of  
the Commission.

(Sgd.) W. W. POPE,  
*Secretary.*

GATINEAU POWER COMPANY.  
(Sgd.) A. R. GRAUSTEIN,  
*President.*

(Sgd.) F. C. SIMONS,  
*Secretary.*

This Indenture dated the 28th day of December, A.D. 1927.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called "the Commission,"

of the First Part;

—and—

GATINEAU POWER COMPANY, hereinafter called "the  
Company,"

of the Second Part.

Whereas by an Agreement bearing date the 28th day of December, A.D. 1927 (hereinafter called the "contract") the Company agreed to deliver to the Commission, electrical power and energy for the price and on the terms therein set forth, and it has been agreed between the parties to vary certain provisions of the said Agreement and to add certain provisions thereto as hereinafter set forth.

Now it is hereby agreed:—

1. That the point of delivery of the electrical power and energy which the Company by the said contract agrees to deliver to the Commission shall be at a point on the interprovincial boundary between the Provinces of Ontario and Quebec between Remic Rapids and Lake Deschenes.

2. That the price or rate to be paid by the Commission to the Company for all electrical power and energy delivered to the Commission thereunder shall be according to the following schedule:

\$14.55 per horsepower per annum until such time as the contract demand (not including the excess power under sub-clause (e) of Clause 2 of the said agreement reaches Eighty thousand horsepower (80,000 H.P.).

\$14.50 per horsepower per annum from the time when such contract demand (not including the excess power under sub-clause (e) of Clause 2 of the said agreement) reaches Eighty thousand horsepower (80,000 H.P.) until it reaches one hundred thousand horsepower (100,000 H.P.).

\$14.45 per horsepower per annum from the time the contract demand (not including the excess power under sub-clause (e) of Clause 2 of the said agreement) reaches one hundred thousand horsepower (100,000 H.P.) to the end of the contract.

In addition thereto the Commission shall pay to the Company Thirty cents (30c) per horsepower per annum for all of the said electrical power or energy taken by the Commission at or near the Western boundary of the City of Ottawa, in the County of Carleton; Further, the Commission agrees that it will take at or near the Western boundary of the City of Ottawa not less than twenty-five per cent. (25%) of the contract demand under the said contract, and to the extent that the power and energy taken by the Commission at or near the Western boundary of the said City of Ottawa shall be less than twenty-five per cent. (25%) of the contract demand the Commission shall pay to the Company thirty cents (30c) per horsepower per annum on the amount of such deficiency. The rates hereby fixed are in lieu of the rates provided to be paid in and by the said contract and constitute an exact and agreed equivalent of the said rates having regard to the variation in the said contract hereby made.

3. The power and energy delivered under the said contract as hereby varied shall be measured as at the said interprovincial boundary.

4. The Company shall pay to the Commission the sum of Thirty Thousand Dollars (\$30,000.00) per annum payable monthly during the period of five years from the 1st day of October, 1928, or until the construction by the Commission of a second circuit or transmission line for the transmission of the said power and energy by the Commission within the Province of Ontario, whichever shall be the later date, and thereafter shall pay to the Commission the sum of Sixty Thousand Dollars (\$60,000.00) per annum payable monthly during the remainder of the period of forty years from the 1st day of October, 1928, mentioned in the said contract; such monthly payments shall be made on the 20th day of each month commencing with the 20th day of November, 1928, and the last payment on the 20th day of October, 1968; And the Company shall be relieved of all obligations under the said contract for the construction, maintenance and operation of transmission lines and communication systems within the Province of Ontario under the said contract. The Commission shall complete the first circuit or transmission line on or before the 1st day of October, 1928.

5. In case the Commission shall desire to renew the said contract as hereby amended and shall give to the Company notice of intention to renew the said contract at least five years prior to the 1st day of October, 1968, and shall pay to the Company the sum of Five Thousand Dollars (\$5,000), the Company shall renew the said contract upon the same terms as provided in the said contract as amended hereby (except as hereinafter provided and) except as to rates for power for such period or periods not exceeding forty years in all as the Company may at the time of such notice or at any time or times thereafter be entitled to generate electric power and energy from the power developments from which the power and energy shall have been supplied under the said contract; said rates for power and energy shall unless the parties agree be determined by arbitration in the same manner as is provided by the said contract for the determination of disputes thereunder.

The said contract if renewed shall not include any obligation upon the Company to pay any sums whatever as provided in paragraph 4 hereof.

6. The Company shall with this Agreement deliver to the Commission the undertaking of the Canadian Hydro Electric Corporation, Limited, for the due performance of this Agreement and the said contract by the Company which undertaking shall be in the following form:

Hydro-Electric Power Commission of Ontario,  
190 University Avenue,  
Toronto, Ontario.

Dear Sirs:

We hand you herewith an agreement between you and Gatineau Power Company and supplementary agreement.

1. Gatineau Power Company will perform its obligation under the said agreements and in default thereof we will perform the obligations under the said agreements; provided that you and Gatineau Power Company may alter and vary the terms of the said agreements, or dispense with one or more of them, and that you may in your discretion at any time or times take and receive from Gatineau Power Company any security whatsoever and grant any extension of time thereon or on any liability of Gatineau Power Company; and provided further that neither we nor Gatineau Power Company shall be released from any liability hereunder, or any such liability in any way affected by any such alteration or variation in or dispensing with any of the said agreements, or by such taking or receiving of security, or extension of time, or by any dealing or transaction or forbearance which may take place between you and Gatineau Power Company; and you shall not be required to give us any notice thereof or of any default by Gatineau Power Company.

2. We will substitute a more formal guarantee for this guarantee if you so request.

It is understood that our liability hereunder will terminate and you will give us a formal discharge hereunder whenever the ability of Gatineau Power Company to discharge its obligations under the said agreements has



been demonstrated to your satisfaction or the fulfilment of the agreements by the Company has been otherwise secured or guaranteed to your satisfaction.

Yours very truly,

CANADIAN HYDRO ELECTRIC CORPORATION, LIMITED

.....  
*President.*

.....  
*Secretary.*

Accepted and agreed to.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

.....  
*Chairman.*

.....  
*Secretary.*

7. The Company shall not be liable for any partial or total failure to deliver electrical power or energy under the said contract as hereby amended which is wholly due to the act of the Province of Quebec.

In witness whereof, the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

"I.B.L."

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

"C. A. MAGRATH,"  
*Chairman.*

"W. W. POPE,"  
*Secretary.*

GATINEAU POWER COMPANY.

"A. R. GRAUSTEIN,"  
*President.*

"F. G. SIMONS,"  
*Secretary.*

Corporate Seal  
of Commission.

Corporate Seal  
of Company.

"Approved

"GEO. H. KILMER"  
"G. T. CLARKSON"  
"F. A. GABY"

"G.G.G.

"J.L.M. (6 sheets)"

"Approved  
"G.T."

## SCHEDULE "C"

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION

—AND THE—

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY

1. AGREEMENT, AS OF 29TH OF NOVEMBER, 1929.

## 1

This Indenture made in duplicate this twenty-ninth day of November, A.D. 1929.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission,"

Of the First Part;

—and—

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY,  
a Quebec Corporation, hereinafter called the "Company,"

Of the Second Part.

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1927, Chapter 57, and Amendments thereto, is authorized to enter into an Agreement for a supply of electrical power and energy to the Commission;

And whereas the Company is duly incorporated by Statutes of the Legislature of the Province of Quebec, for the purpose of the production and sale of electrical power and energy and is prepared to sell and deliver electrical power and energy to the Commission;

Now therefore this Indenture witnesseth that for the considerations herein contained, the Parties hereto covenant, promise and agree as follows:

## 1. The Company Agrees:—

(a) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1932, and thereafter so long as this Agreement shall continue in force, Thirty-five Thousand Horsepower (35,000 H.P.) of electrical power and energy on the conditions herein contained; Thirty-five Thousand Horsepower (35,000 H.P.) shall be the contract demand until such contract demand is increased, as provided in sub-clause (b) next following:

1. (b) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1933, and thereafter so long as this Agreement shall continue in force, an additional Forty Thousand Horsepower (40,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of Seventy-five Thousand Horsepower (75,000 H.P.) until such contract demand is increased, as provided in sub-clause (c) next following:

1. (c) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1934, and thereafter so long as this Agreement shall continue in force, an additional Fifty-four Thousand Horsepower (54,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of One Hundred and Twenty-nine Thousand Horsepower (129,000 H.P.) until such contract demand is increased, as provided in sub-clause (d) next following:

1. (d) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1935, and thereafter so long as this Agreement shall continue in force, an additional Sixty-seven Thousand Horsepower (67,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of One Hundred and ninety-six Thousand Horsepower (196,000 H.P.) until such contract demand is increased as provided in sub-clause (e) next following:

1. (e) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1936, and thereafter so long as this Agreement shall continue in force, an additional Fifty-four Thousand Horsepower (54,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of Two Hundred and Fifty Thousand Horsepower (250,000 H.P.), which shall constitute the maximum contract demand under this Agreement.

1. (f) In the event of the diversion of water by the Company being measured not by maximum, but by daily average, or otherwise, then to deliver to the Commission, whenever required by the Commission, subject to Clause 2 and Clause 5, electrical power to the extent that such average or other method of measurement will permit, but only pro rata to the total power developed by the Company at Beauharnois Station up to a maximum of Fifteen per cent (15%) over the then contract demand without increasing the then contract demand, or without increasing the obligation of the Company to install spare equipment specified in Clause 1 (g), or any obligation of the Commission to pay under this Agreement.

1. (g) To install at its Beauharnois Power Development, sufficient equipment and spare equipment to insure fulfilment at all times of the terms of this Agreement, and for this purpose the Company shall provide excess or spare capacity, so that at all times the ratio of total capacity to contract demand shall be not less than One Hundred and Fifteen per cent. (115%).

2. (a) The power and energy delivered hereunder shall be alternating, three-phase, having a controlled average periodicity of twenty-five (25) cycles per second, and a pressure between phase wires not exceeding the commercial maximum voltage of approximately Two Hundred and Forty Thousand Volts (240,000 V.) subject to a reduction from time to time as the Commission may direct of not over Fifteen per cent. (15%) from the determined maximum voltage, and the equipment and apparatus installed by the Company in its Plants shall be suitable for operation to maintain this condition; the Company shall maintain under normal operating conditions, the generator voltage within Two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid, and shall install suitable equipment and apparatus for such purposes.

2. (b) Whenever the Commission shall require, from time to time, the Company shall increase or decrease the voltage and frequency of its Plant or Plants, within safe operating limits of the then existing equipment of such Plant or Plants to the extent required by the Commission, in order to insure operation satisfactory to the Commission in parallel with the other sources of supply. It is understood and agreed that in operation of Plants in parallel, the control of power factor and delivery of power in any generating Plant, is, to a large extent within the control of the operators in that Plant, and the Company agrees, so far as it can do so with its equipment installed, to operate its Plant so as to maintain power factor at its point of measurement to the Commission, and, also the delivery of power within the limits directed by the Commission, from time to time, provided that by so doing, it shall, if, and to the extent necessary, be relieved from its obligations as to voltage and frequency regulation specified in Clause 2 (a):

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of Eighty-five per cent. (85%) thereof, and no more; that is to say, that during each week after October 1st, 1932, so long as this Agreement shall remain in force, the Commission shall be entitled, subject to the provisions of Clause 5, to receive such electrical



energy as it shall require not in excess of One Hundred and Six and Fifty-three Hundredths Kilowatt-hours (106.53 kw.h.) for each horsepower of contract demand.

On Sundays and holidays the Commission, at the request of the Company, shall take not less than Three (3) Kilowatt-hours for each horsepower of contract demand; On Saturdays the Commission, at the request of the Company, shall take not less than Seven (7) Kilowatt-hours for each horsepower of contract demand.

In the event of any change in the contract demand occurring other than at the beginning of a week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week.

A week for the purposes of this Agreement shall commence at such time during the calendar week as the Commission shall give notice in writing to the Company.

2. (d) The maximum amount of the electrical power or energy delivered by the Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than Eighty-five per cent. (85%), shall be Eighty-five per cent. (85%) of the kilovolt amperes considered as true power or kilowatts.

2. (e) In the application of the provisions of this Agreement, the Company shall be entitled to the same credit for horsepower and kilowatt-hours held available for the Commission, but not taken by the Commission, as if the same had been taken by the Commission, and except as provided in Clause 5, no failure by the Commission to provide the necessary transmission and other facilities to receive such power, and no failure to use the same, shall relieve the Commission from any of its obligations to make the full amount of payment herein specified to be made by it. For all purposes of this Agreement, the Company shall be considered to have held available for the Commission in each week, all the horsepower and kilowatt-hours to which the Commission was entitled in that week, unless the Company fails to have available the power which the Commission is entitled to and asks for under the provisions of this Agreement and the Commission complains of such failure at the time, and unless within Fourteen (14) days, or other time agreed upon, after the end of that week, the Commission shall have given to the Company written notice of the fact and approximate amount of the deficiency.

2. (f) If the Commission shall inadvertently take in any week, more kilowatt-hours than it is entitled to take in such week, the Commission will, upon request from the Company, adjust the matter by making a corresponding reduction in its takings in the next following three week period thereafter; always provided that the Company, so far as practicable, regulates the rate of delivery of power and the kilowatt-hours from time to time as the Commission may direct, as provided herein. But if, after receipt of such request from the Company, the Commission shall not during such three week period make good such excess taking and correspondingly reduce its takings during such three week period, then the Commission shall pay the Company for any excess energy so taken and not made good, as aforesaid, at twice the contract kilowatt-hour rate, which rate is a penalty rate and is not to be considered as giving the Commission the right to take intentionally excess energy.

2. (g) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the systems involved, it is necessary that the Commission and the Company co-operate.

The Commission and the Company will co-operate in respect of all matters of common interest, including without limiting the generality of the foregoing, design of plant and equipment, and design of control, protective communication and other features, which necessitate similar or co-ordinated equipment.

The Commission and the Company shall install only first-class modern equipment, of such characteristics and type as are best suited for the service intended, and shall, from time to time, make such commercially reasonable changes in, or additions to said equipment (other than major equipment) as will best serve to maintain the system as a whole, in accordance with good practice in the art as developed from time to time.

The Commission and the Company shall each be entitled to the final decision in respect of the design of its own plant and property, other than such features thereof as necessitate similar or co-ordinated equipment at the plant of each party as aforesaid; in the event of the Commission or the Company exercising such right of final decision, then the Commission or the Company, as the case may be, shall be responsible for the suitability for the purpose intended of plant or equipment constructed according to the design selected by it.

The Commission and the Company shall exercise all due skill and diligence, so as to secure the satisfactory operation as a system of the plant, apparatus and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of the high voltage specified and length of lines contemplated.

### 3. The Commission Agrees:

(a) To pay to the Company, in monthly payments for all power and energy under this Agreement, at the rate of Fifteen Dollars (\$15.00) per annum per horsepower of the contract demand, as follows:—

Forty-three Thousand Seven Hundred and Fifty Dollars (\$43,750.00) per month from 1st October, 1932, until 1st October, 1933;

Ninety three Thousand Seven Hundred and Fifty Dollars (\$93,750.00) per month from 1st October, 1933, to 1st October, 1934;

One Hundred and Sixty-one Thousand Two Hundred and Fifty Dollars (\$161,250.00) per month from 1st October, 1934, to 1st October, 1935;

Two Hundred and Forty-five Thousand Dollars (\$245,000.00) per month from 1st October, 1935, to 1st October, 1936;

Three Hundred and Twelve Thousand Five Hundred Dollars (\$312,500.00) per month, from 1st October, 1936, and thereafter so long as this Agreement shall continue in force.

The amount of Dollars per month is obtained by multiplying the amount of the then contract demand, as determined in Clause 1 hereof, by one and one-quarter ( $1\frac{1}{4}$ ); the said monthly payments being subject always to adjustment, as in this Agreement provided.

3. (b) To make all the payments to be made by it under this Agreement in lawful money of Canada, by depositing the same to the credit of the Company at such Bank or other place in the City of Toronto, in the Province of Ontario, as the Company may, from time to time, designate, and to pay the said monthly payments to the Company on the Twentieth day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the tenth day of the month, provided that, if any bill remains unpaid on the Twentieth of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment, and all payments in arrears shall bear interest at the rate of six per cent. (6%) per annum; provided, further, that if the Commission or the Company be entitled to any adjustment in respect of any such payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment; every such adjustment shall include interest at the said rate of six per

cent. (6%) per annum on the amount allowed from the twentieth day of the month in respect to which such adjustment is allowed.

3. (c) At all times to take and use the electrical power in such manner that the current will be equally taken from the three phases, and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%) the Commission upon instructions from the Company shall so adjust its load as to comply with these requirements.

3. (d) At all times to take and use the power and energy set out in Clauses 1 (a), 1 (b), 1 (c), 1 (d), 1 (e) and 1 (f) hereof so as not to exceed the weekly takings, as specified in Clause 2 (c) herein.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters satisfactory to the Commission provided and installed by the Company, and so arranged as to measure and record accurately the said power and energy respectively. Readings from the said kilowatt-hour meters shall be taken daily at the same hour, and recorded by the Company on forms supplied by the Commission. Records from the said recording demand meters and the said integrating kilowatt-hour meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The power delivered and the demand in horsepower or either of them for the purpose of this Agreement shall be the integrated amount of power for twenty (20) consecutive minutes as determined from coincident readings of the above mentioned polyphase recording demand meters, provided that nothing in this sub-clause shall be construed as increasing any obligation of the Company under Clause 1 or the obligation of the Commission to pay under this Agreement.

4. (c) The weekly taking of the energy shall be determined from the weekly readings of the said integrating kilowatt-hour meters.

4. (d) The power and energy covered by this Agreement shall be delivered at approximately two hundred and forty thousand volts (240,000 V.), subject to Clause 2 as hereinbefore mentioned at the boundary between the Provinces of Ontario and Quebec, not further than five miles from Lake St. Francis, and the Company shall install the suitable and necessary transformers and transmission lines with circuits all of a number, type and capacity approved by the Commission. All electrical power and energy supplied under this Agreement shall be measured at the two hundred and forty thousand (240,000) volt step-up transformers at the Company's Beauharnois Station on the generator voltage side thereof, and no adjustment of such measurement shall be made for the loss in single step transformation from generator to transmission voltage (approximately 240,000 volts) nor for transmission loss to the point of delivery; the said transformer loss and said transmission loss at the said voltage from the transformer station to the point of delivery having already been allowed for, provided that if for any reason the measuring instruments are connected at other than the said point their readings shall be subject to a correction and shall be corrected to give results such as would be obtained by instruments connected at the said point.

The Company will provide a suitable communication system between its plants and the point of delivery.

4. (e) Access to said measuring instruments and transformers belonging to the Company shall be free to the Commission at any and all times, and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days' previous notice in writing of its desire to test such measuring instruments.

4. (f) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy here-



under shall be provided, installed and maintained by the Company satisfactory to the Commission.

The Company agrees to test each meter installed by it to measure the electric power and energy or either of them contracted for hereunder at least once in each sixty (60) days; the Commission shall be advised at least five (5) days before the day of the test so it may, if it so desires, have a representative present to witness and verify such test; at any time the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, such meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice; if any meter shall be found on regular or special test to be inaccurate, it shall be promptly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; the Company shall repair and replace or retest defective meters or measuring equipment within a reasonable time; during any time there is no meter in service it shall be assumed that the energy consumed is the same as for the other days of the same month on which a similar load existed.

4. (g) The Commission may, from time to time at its option, install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking records obtained from the Company's measuring equipment or for any other purpose.

4. (h) The Company shall be responsible for any damage to property or apparatus furnished by the Commission for the purpose of supplying or measuring power or energy hereunder, and installed on the Company's property, provided such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission.

4. (i) The kilowatts, kilovolt amperes; kilowatt-hours and all other factors and quantities or any of them, shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4, and the standards of the University of Toronto or of the recognized national authority, if there be such generally accepted, shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) Subject to the direction of the Commission, as provided in Clause 2, the maintenance by the Company of approximately the agreed voltage at the agreed frequency at the point of delivery, together with the ability of the Company to meet the requirements of the Commission under this Agreement shall constitute the delivery of power and energy involved in this Agreement.

5. (b) In case the Company shall at any time or times be prevented from delivering, or the Commission from receiving the said power and energy, or either of them, or any part thereof, by strikes, riots, fire, invasion explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or either of them, then to the extent of such prevention the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power and energy during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus) and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power and energy, as aforesaid and the Commission shall pay for the same.

5. (c) The Company shall have the right at reasonable times and when possible, after due notice has been given to the Commission, to discontinue or reduce to the extent necessary, the supply of power and energy to the Commission for the purpose of safeguarding life or property or for the purpose of making repairs, renewals, or replacements to the generating, transforming or transmitting equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible, arranged for at times least objectionable to the Commission.

During such interruptions or reductions, the Commission shall be released from its obligations to pay for such power and energy, or either of them, as the Commission is entitled to receive, and the Company fails to deliver, or to hold available for the Commission.

5. (d) In case of the failure of the Company in any week to have available, as set forth in Clauses 1 and 2, the full amount of electrical power and energy to which the Commission is entitled hereunder in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Company in respect of such week.

5. (e) The amount of reduction in the sums payable by the Commission to the Company for any week, or the amount which under Sub-clauses (b), (c) or (d) of this Clause 5, the Commission is not required to pay to the Company in any week shall be calculated in the following manner:

For energy, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt-hours which the Company fails to have available as aforesaid bears to 106.53 times the then contract demand in horsepower.

For power, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the deficiency (that is, the average number of horsepower of electrical power which the Company fails to have available) averaged for the week bears to the then contract demand in horsepower, the said deficiency shall be determined as follows: For each total or partial interruption the average amount of deficiency below the contract demand shall be taken and then all the deficiencies both as to amount and length of time shall be averaged for the week in proportion to the total hours for the week, that is, the said deficiency shall be the sum total of all deficiencies during the week in horsepower hours divided by the total number of hours in the week.

All such reductions shall be adjusted on the monthly bills in each case for the full weekly periods terminating within the month for which the adjustment is made; provided that if, during the week including such period, the load factor of the electrical energy delivered to the Commission exceeds eighty-five per cent. (85%) of the contract demand (as reduced by such average number of horsepower of electrical power which the Company fails to have available when required by the Commission throughout such week), the Commission shall credit on the reduction, a rateable payment for the excess kilowatt-hours; the Commission shall be entitled to only one reduction in respect of any one failure, such reduction being either in respect of energy or in respect of power, whichever shall be the greater.

No reduction shall be made for power in respect of inadvertent failure of less than an aggregate of twenty minutes in any one week.

5. (f) If any failure of the Company is due to causes within its control (and without limiting the generality of the foregoing words, financial difficulties of the Company shall be deemed to be included therein), the Company, in addition to the reductions under Clause 5, shall pay to the Commission as liquidated damages in respect of every such failure occurring during the first fifteen (15) years after the commencement date, a sum equal to fifty per cent. (50%) of the reduction made in the sums payable by the Commission to the Company, as set out in Clause 3, and thereafter, a sum equal to one hundred per cent. (100%) thereof, which liquidated damages shall be in addition to said reductions. Provided, however, that deficiency in stream flow or any interruption under Clauses (5 (b) or 5 (c) shall not be included in the term "causes within its control," as used in this paragraph.

6. One or more Representatives or Engineers of the Commission designated for this purpose, may, at any reasonable time during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power development at which the power supplied under this Agreement is generated and to take and obtain records therefrom as required. Representatives of the Company shall have similar rights in respect of the premises, apparatus,



plants, property and electrical and hydraulic records of the Commission, pertaining to the power supplied under this Agreement.

7. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained or hereby provided for or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to two arbitrators, one to be appointed by each party to the difference, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario, 1927, chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario. The award of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively but either may appeal from the award, and the right to appeal to the Supreme Court of Canada and to the Judicial Committee of the Privy Council shall not be limited by anything herein contained.

8. This Agreement is made subject to the terms of the Company's Emphyteutic Lease of the 23rd June, 1928, from the Government of the Province of Quebec, particularly the provisions of Clause 22 thereof relating to the export of power to the United States, which provisions shall be complied with by the Commission and may be enforced by the Company.

9. The rates to be paid and the payments to be made by the Commission for power as set forth in Clause 3 shall, subject to the provisions of this Agreement, include all compensation to the Company for all taxes, rentals, royalties, licenses, fees and charges that may be levied, assessed or imposed by Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement or any part thereof; if, however, while this Agreement shall continue in force, (a) any Dominion or Provincial (but not Municipal) taxes or similar levies not now in existence be created or any now existing be increased, or (b) any Dominion or Provincial rentals or royalties or similar charges for the use of water not now in existence be created or any now existing be increased, in such a manner as to increase the cost to the Company, by reason of these items, of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and any such case, an increase shall be made in the payments by the Commission to the Company hereunder, which shall, after crediting any reduction in any such items, exactly compensate the Company for the increase thereby occasioned, in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission hereunder; provided that in the event of any reduction in any such items the said increase in the payments by the Commission shall be reduced accordingly but not exceeding the total of the increase then in effect; provided that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed a tax for the purpose of this Clause, and the liabilities and obligations of the Commission shall not be in any way increased thereby but the same shall be borne by the Company; the recently authorized educational tax of the Province of Quebec not yet promulgated is not considered as now in existence.

10. This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force until the expiry of a period of forty (40) years, which period shall begin on the first day of October, 1932.

This Agreement may be extended for a further term of forty (40) years upon mutual agreement of the parties hereto.

11. The Commission shall be entitled at any time prior to the expiration of thirty (30) days notice in writing, from the Company, delivered after the termination of this Agreement and the last extension thereof, to remove from the premises of the Company any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.



12. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may from time to time file with the other; the parties agree each to maintain its address on file with the other.

13. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

14. The Company covenants and agrees with the Commission that if at any time hereafter during the continuance of this Agreement the Company should mortgage, hypothecate or charge any of its rights or immovable property which are necessary for the development of power or energy, or any part of such property or rights, to secure bonds or debentures or other securities of like nature, any such mortgage, hypothecation or charge shall be expressly made subject to all covenants, agreements and obligations on the part of the Company in this Agreement contained and shall provide that any sale of the property or rights so mortgaged, or any part thereof, under the provisions of such mortgage shall be made subject to the obligations of the Company in this Agreement contained, and that the mortgaged premises shall not be sold except to a purchaser who shall covenant and agree with the Commission to assume and perform the obligations of the Company in this Agreement contained and in all respects succeed to the position of the Company hereunder; and it is agreed that all the said provisions shall be conditions of every contract mortgaging, hypothecating or charging the immovable property or rights of the Company which are necessary for the development of power or energy, or any part of such property or rights, and shall be expressed therein as stipulations in favour and for the benefit of the Commission.

The Company further covenants and agrees with the Commission that it will not, except by way of mortgage, hypothecation or charge, assign its emphyteutic lease of the 23rd June, 1928, from the Government of the Province of Quebec, or transfer any of its plant or immovable property necessary to the development of power or energy except to an assignee or transferee who shall covenant and agree with the Commission to assume and perform the obligations of the Company in this Agreement contained and in all respects succeed to the position of the Company hereunder.

In witness whereof the Commission and the Company have caused this Agreement to be executed under their respective Corporate Seals and the hands of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

In the presence of

W. G. H.

L. C. C.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,  
*Chairman.*

(Seal)

Hydro-Electric  
Power Commission  
of Ontario.

(Sgd.) W. W. POPE,  
*Secretary.*

BEAUHARNOIS LIGHT, HEAT AND  
POWER COMPANY.

(Sgd.) R. O. SWEZEY,  
*President.*

(Seal)

Beauharnois Light,  
Heat and Power  
Company.  
Incorporated 1902

(Sgd.) HUGH B. GRIFFITH,  
*Secretary.*

## SCHEDULE "D"

BETWEEN:

THE ONTARIO HYDRO-ELECTRIC POWER COMMISSION

—AND—

CHATS FALLS POWER COMPANY

ALSO KNOWN AS OTTAWA VALLEY POWER COMPANY

1. AGREEMENT, AS OF THE 15TH OF FEBRUARY, 1930, POWER CONTRACT.
2. AGREEMENT, AS OF THE 24TH OF FEBRUARY, 1930, OPERATING AGREEMENT.

## 1

This Agreement made in duplicate,  
 the 15th day of February, A.D. 1930 W.W.P.  
 E.R.P.  
 M.M.C.  
 A.G.M.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
 hereinafter called the "Commission"

of the first part.

—and—

CHATS FALLS POWER COMPANY, a Quebec Corporation,  
 hereinafter called the "Company"

of the second part

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1927, Chapter 57, and amendments thereto, is authorized to enter into an agreement for a supply of electrical power and energy to the Commission;

And whereas the Company is duly incorporated under the laws of the Province of Quebec with power to produce and sell electrical power and energy;

And whereas the Commission subject to the terms of a lease from the Government of the Province of Ontario is the holder of certain rights for the development of power by and with the use of the waters of the Ottawa River at Chats Falls within the Province of Ontario;

And whereas the Company under and subject to the terms of an Emphyteutic Lease from the Government of the Province of Quebec and by freehold holds all the water power at Chats Falls on the Ottawa River within the Province of Quebec subject to the terms of the said lease and the payment of rental and Royalty except in respect of fifteen thousand horsepower (15,000 H.P.) which the Company holds in freehold as set out in the said lease which is for a term of seventy-five (75) years from the first day of March, A.D. 1926, and was made before Maitre Arthur E. Simard, Notary, of the City of Quebec, on the 22nd day of June, A.D. 1926, under Number 2359.

And whereas the Commission and the Company as owners of the rights aforesaid are co-operating in the joint development of all power available from and with the use of the waters of the Ottawa River at Chats Falls on such Ottawa River within both the Province of Ontario and the Province of Quebec, and have also agreed that the Commission and the Company are each as between themselves entitled to the use of one-half of all waters

within the said Provinces which are available or which may hereafter become available for power purposes at Chats Falls on the said Ottawa River.

And whereas the Company is willing on the conditions herein contained to sell and deliver to the Commission all the electrical power and energy which it is entitled to produce from its share of the water as aforesaid and to enter into this Agreement in respect thereto; Subject to withdrawal of any such power and energy for use in the Province of Quebec as provided in the said Emphyteutic Lease and in this Agreement;

Now therefore this Indenture witnesseth that for the considerations herein contained the Parties hereto covenant, promise and agree as follows:

1. The Company agrees:

1. (a) To keep available for delivery to the Commission and to deliver to the Commission when and as required by the Commission on the conditions herein contained at the point of delivery hereinafter mentioned, ninety-six thousand horsepower (96,000 H.P.) of electrical power and energy in two blocks of forty-eight thousand horsepower (48,000 H.P.) each, commencing for the first block on the first day of October, A.D. 1931, hereinafter called the "commencement date," and for the second block on the first day of October, A.D. 1932, and continuing in each case so long as this Agreement shall remain in force, which first block of forty-eight thousand horsepower (48,000 H.P.) shall be the contract demand up to the said first day of October, A.D. 1932, and thereafter the said amount of ninety-six thousand horsepower (96,000 H.P.) shall be the contract demand until such contract demand is increased, as provided in Sub-clause (b) of this Clause 1; the horsepower comprising the contract demand from time to time shall be measured as provided in Clause 4 (b).

1. (b) Whenever from time to time the stream flow of the Ottawa River at Chats Falls proves sufficient for the development of more than one hundred and ninety-two thousand horsepower (192,000 H.P.) on the conditions herein contained whether by reason of the installation of additional storage facilities, more efficient operation of the same, increase in head or from any other cause whatsoever, then to keep available for the Commission and deliver to the Commission when and as required by the Commission and on the same conditions and at the same point of delivery all the electrical power and energy beyond the then contract demand which can be produced from the Company's half of the increased amount of water as shall be agreed upon between the Parties as capable of development, and the contract demand shall be correspondingly increased when the said power is available for delivery.

1. (c) To instal equipment having a total rated capacity of one hundred and eight thousand electrical horsepower (108,000 H.P.) for a contract demand of ninety-six thousand horsepower (96,000 H.P.) and from time to time thereafter whenever the contract demand is to be increased as provided in this Agreement, to instal additional equipment so that at all times the ratio of total rated capacity to contract demand shall not be less than one hundred and twelve and a half per cent. (112½%).

1. (d) Subject to Clause 2 and to Clause 5, to deliver to the Commission whenever required by the Commission, electrical horsepower to the extent that water is available up to the maximum available overload and spare capacity specified in Clause 1 (c) without thereby increasing the then contract demand.

2. (a) The power delivered hereunder shall be alternating, three (3) phase, having a periodicity of twenty-five (25) cycles per second and a pressure between phase wires not exceeding the commercial maximum voltage of approximately two hundred and thirty thousand (230,000) volts, subject to a reduction of not over fifteen per cent. (15%) from the determined maximum voltage from time to time as the Commission may direct, and the equipment and apparatus installed by the Company in its plant shall be suitable for operation to obtain this condition, provided, however, that nothing herein shall be construed as obligating the Company to instal apparatus having a capacity in excess of rated capacity at normal



voltage; the Company shall maintain the generator voltage under normal operating conditions within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall instal suitable equipment for such purposes, provided that if the Commission at any time takes power, as provided for in Clause 1 (d) in excess of the contract demand, then the Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed.

2. (b) Whenever the Commission shall require, from time to time, the Company shall increase or decrease the voltage and frequency of its plant, within safe operating limits of the then existing equipment of such plant to the extent required by the Commission, in order to insure operation satisfactory to the Commission, in parallel with other sources of supply; it is understood and agreed that in operation of Plants in parallel, the control of power factor and delivery of power in any generating plant is, to a large extent, within the control of the operators in that plant, and the Company agrees, so far as it can do so with its equipment installed, to operate its plant so as to maintain the power factor at its point of measurement, to the Commission, and also to maintain the delivery of power in each case, within the limits directed by the Commission from time to time, provided that by so doing it shall, if and to the extent necessary, be relieved from its obligations as to voltage and frequency regulation specified in Clause 2 (a).

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of seventy per cent (70%) thereof, and no more; that is to say, that during each week after the first day of October, A.D. 1931, so long as this Agreement shall remain in force, the Commission shall be entitled, subject to the provisions of Clause 3 (e) and Clause 5, to receive such electrical energy as it shall require, not in excess of eighty-seven and seventy-three one-hundredths (87.73) kilowatt hours for each horsepower of contract demand, but nothing in this clause shall limit or affect the provisions of Clause 2 (g).

The Commission agrees to so take on all days during the week, at all times of low river flow, a sufficient share of the electrical energy which it is entitled to under this contract in order to prevent wastage of water during Saturdays, Sundays and holidays in such week, which waste water might otherwise have been used within the next week to fulfil the obligations under this Contract; the intent of the foregoing being to secure, at all times of low river flow, the most efficient use of the water to obtain the maximum output of the Plant; for the purposes of this clause, low river flow shall mean that river flow which is in any week insufficient to produce the contract amount of energy for the then contract demand.

In the event of any change in the contract demand occurring other than at the beginning of a week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week. A week for the purposes of this Agreement shall commence at such time during the calendar week as the Commission shall from time to time specify by notice in writing to the Company.

2. (d) The maximum amount of the electrical power and energy delivered by the Commission at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five percent (85%) shall be eighty-five percent (85%) of the kilovolt amperes considered as true power or kilowatts.

2. (e) In the application of the provisions of this Agreement, the Company shall be entitled to the same credit for horsepower and kilowatt hours held available for the Commission, but not taken by the Commission, as if the same has been taken by the Commission, and except as provided in Clause 5 (b) no failure by the Commission to take such power and energy, or either of them, shall relieve the Commission from any of its obligations to make the full amount of payment herein specified to be made by it; for all purposes of this Agreement, the Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless

the Company fails to have available the power and energy which the Commission is entitled to and asks for under the provisions of this Agreement and the Commission complains of such failure at the time, and unless within fourteen (14) days, or other time agreed upon, after the end of that week, the Commission shall have given to the Company written notice of the fact and the approximate amount of the deficiency.

2. (f) If the Commission shall inadvertently take in any week more kilowatt hours than it is entitled to take in such week, the Commission will, upon request from the Company, adjust the matter by making a corresponding reduction in its takings in the next following three week period thereafter; always provided that the Company so far as practicable, regulates the rate of delivery of power and the kilowatt hours from time to time as the Commission may direct, as provided herein; But if, after receipt of such request from the Company, the Commission shall not during such three week period make good such excess taking and correspondingly reduce its takings during such three week period, then the Commission shall pay the Company for any excess energy so taken at the kilowatt hour rate equivalent to the contract rate per horsepower per year at seventy per cent (70%) load factor.

2. (g) The Commission upon notice to the Company shall be entitled to take at any time in any week, electrical energy in addition to the kilowatt hours of electrical energy provided in Clause 2 (c), provided that the taking of such additional electrical energy does not require the use of water required for the fulfilment by the Company of its other obligations under this contract or under any contract by which power and energy or either of them, are required to be withdrawn for use in the Province of Quebec; for all additional electrical energy taken under this clause by the Commission the Commission shall pay to the Company at the rate of one mill per kilowatt hour until the first of October, 1941, and thereafter at a rate which shall be adjusted not oftener than every ten (10) years by mutual agreement between the parties hereto; in any event the Commission shall be required to pay under this clause only for such additional electrical energy as the Company is entitled to produce and the Commission is entitled to take as aforesaid; such additional electrical energy shall be determined from the measuring instruments mentioned in Clause 4, except as hereinafter provided in this clause.

If, however, at any time the power house and power house equipment of the Company forming part of the joint development be operated under the same authority and jointly as a single unit with the power house and power house equipment of the Commission forming part of the joint development, then during all times of such joint operation the amount of the said additional electrical energy shall be calculated in the following manner.

From one-half the total electrical energy produced and delivered at Chats Falls in any week measured as provided in Clause 4 shall be deducted, First—all electrical energy, if any, delivered in fulfilment by the Company of its obligations under the said Emphyteutic Lease by which electrical power and energy or either of them are required to be withdrawn for use in the Province of Quebec; Second—all electrical energy delivered in fulfilment by the Company of its other obligations under this Agreement.

\* All the remainder of the said one-half of the total electrical energy shall be the additional electrical energy for which the Commission shall pay under this clause.

If in the course of economical operation of the said separate works of the Company and of the Commission, equipment of either be taken out of use, the equipment of the other shall be used to make up the said maximum weekly load factor of seventy per cent (70%) before producing any such additional electrical energy.

2. (h) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the systems involved, it is necessary that the Commission and the Company co-operate, therefore the Commission and the Company will co-operate in respect of all matters of common interest, including without



limiting the generality of the foregoing, design of plant and equipment, and design of control, protective, communication and other such features as necessitate similar or co-ordinated equipment at the Plants of each Party.

The Commission and the Company shall instal only first-class, modern equipment of such characteristics and type as are best suited for the service intended, and shall, from time to time, make such commercially reasonable changes in, or additions to such equipment (other than major equipment) as will best serve to maintain the joint undertaking from time to time in a state of operating efficiency equal to that of undertakings of generally similar purpose and size, in accordance with good practice in the art as developed from time to time.

The Commission and the Company shall each be entitled to the final decision in respect of the design of its own separately owned Plant and property other than such features thereof as necessitate similar or co-ordinated equipment at the Plants of each Party as aforesaid and other than the original installation for a total rated capacity, including reserve capacity, of two hundred and sixteen thousand horsepower (216,000 H.P.), and the additional generating equipment, and in the event of the Commission or the Company exercising such right of final decision, then the Commission or the Company, as the case may be, shall be responsible for the suitability for the purposes intended of Plant or equipment constructed according to the design selected by it.

The Commission and the Company shall exercise all due skill and diligence so as to secure the satisfactory operation, as a system, of the Plant, apparatus and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of such high voltage specified and length of lines contemplated.

2. (i) The Commission and the Company will each use its best efforts to obtain the construction at the earliest possible date by the authorities concerned of all works for the better regulating of the flow of the Ottawa River and for providing storage in the Ottawa River watershed which the parties agree are necessary to obtain the fullest possible advantage from the potential development at Chats Falls, and will co-operate in the study and keeping of records of the flow of the Ottawa River at Chats Falls and in the collection of essential data in relation to conditions in the watershed of the Ottawa River bearing on such flow,

2. (j) The Commission and the Company shall co-operate in all reasonable means for providing for the most economic use of the waters of the Ottawa River watershed.

2. (k) This Agreement shall only apply to the use of the water and to the electrical power and energy produced therefrom to which the Company is entitled as aforesaid, namely:—to the use of one-half of the water available for power purposes at Chats Falls and to the electrical horsepower and energy produced from the said one-half of the water.

### 3. THE COMMISSION AGREES:

3. (a) To pay to the Company in monthly payments for all power and energy under this Agreement at the rate of fifteen dollars (\$15.00) per annum per horsepower of the contract demand which is a total of sixty thousand dollars (\$60,000.00) per month commencing on the first day of October, A.D. 1931, until the first day of October, A.D. 1932, and thereafter a total amount of one hundred and twenty thousand dollars (\$120,000.00) per month until such time as the contract demand shall have been changed, and after any such change while this Agreement remains in force the amount in dollars per month which is obtained by multiplying the then contract demand by one and one-quarter ( $1\frac{1}{4}$ ), all the payments under this Clause 3 (a) being subject always to adjustment as in this Agreement provided.

3. (b) To pay the Company in monthly payments for any excess kilowatt hours for which payment is to be made under Clause 2 (f) and for any additional kilowatt hours ordered by the Commission under Clause 2 (g); Such monthly payments shall cover any amounts payable for excess



or additional energy taken during the full weekly periods terminating within the month for which the payments are made, and a broken week shall be considered as terminating within the following month;

3. (c) To make all payments to be made by the Commission under this Agreement in lawful money of Canada at the office of the Bank of Montreal, at Montreal, and to make all monthly payments to the Company on the twentieth day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the tenth of the month; provided that if any bill remains unpaid on the twentieth of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of six per cent (6%) per annum; provided, further, that if the Commission or the Company is entitled to any adjustment in respect of any such payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and shall include interest at the said rate from the twentieth day of the month in respect to which adjustment is claimed;

3. (d) At all times to take and use the electrical power and energy in such manner that the current will be taken as nearly as possible equally from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%) the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (e) At all times to take and use the power and energy set out in Clauses 1 (a), 1 (b), and 1 (d) hereof, so as not to exceed the weekly takings in kilowatt hours as specified in Clauses 2 (c) and 2 (g) herein; provided that the Commission may at any time, but subject to the provisions of Clause 2 herein, increase the electrical horsepower taken in excess of the contract demand, up to the limits of the overload capacity of all the equipment used from time to time by the Company to meet its obligations hereunder, including the spare capacity which the Company is to instal under this Agreement, but without thereby increasing the contract demand.

3. (f) To give the Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Company, particularly as to any probable reduction in such requirements, for any prospective period of light load. The intent of the Parties in this clause is so far as is possible by reasonable co-operation to secure the most economic use of the waters of the Ottawa River watershed.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt hour meters, provided and installed by the Company and so arranged as to measure and record accurately the said power and energy respectively. Readings from the said kilowatt hour meters shall be taken daily at the same hour and recorded by the Company on forms supplied by the Commission. Records from the said recording demand meters and the said kilowatt hour meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The power delivered and the demand in horsepower or either of them for the purpose of this Agreement shall be the integrated amount of power for twenty consecutive minutes as determined from coincident readings of the above mentioned polyphase recording demand meters, provided that nothing in this subclause shall be construed as increasing any obligation of the Company under Clause 1 or the obligation of the Commission to pay under this Agreement.

4. (c) The weekly taking of the energy shall be determined from the weekly readings of the said integrating kilowatt hour meters.

4. (d) The power and energy covered by this Agreement shall be delivered at approximately two hundred and thirty thousand (230,000) volts, (subject to Clause 2) as hereinbefore mentioned, at the outgoing two hundred and thirty thousand (230,000) volt transmission line terminus on the transformer station structures which it is contemplated will be near the

Commission's generating station; the power and energy supplied under this Agreement shall be measured at the 230,000 volt, step-up transformers at Chats Falls on the generator voltage side thereof, without deducting any transformer loss. Provided that if the transformers are not erected within five hundred feet from the nearest wall of the Commission's generating station then any additional transmission losses between the generating station and the transformers shall be borne by the Commission.

4. (e) Access to said instruments and transformers belonging to the Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days previous notice in writing of its desire to test such measuring instruments.

4. (f) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power or energy hereunder shall be provided, installed and maintained by the Company satisfactorily to the Commission.

The Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; the Commission shall be advised at least five (5) days before the day of the test so they may, if they so desire, have a representative present to witness and verify such tests; at any time the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice; if any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; the Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; during any time there is no meter in service, it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4. (g) The Commission may, from time to time, at its option, install duplicate measuring equipment, including necessary current and potential transformers, at the points of measurement for the purpose of checking the records obtained from the Company's measuring equipment, or for any other purposes.

4. (h) The Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in such apparatus or to the operations of the Commission or acts of its employees or to causes reasonably beyond the control of the Company.

4. (i) The kilowatts, kilovolt amperes, kilowatt hours, or any other factors and quantities or any of them, shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4, and the standards of the University of Toronto or of the recognized national authority, if there be any generally accepted as such, shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) Subject to the direction of the Commission, as provided in Clause 2, and unless prevented from doing so by abnormal operating conditions, in the Commission's system, the maintenance by the Company of approximately the agreed voltage, at the agreed frequency, at the point of delivery, together with the ability of the Company to supply the power and energy under this Agreement, shall prima facie constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 2 (a) as to two percent. (2%) regulation of voltage shall apply only at the points of generation.

5. (b) In case the Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power and energy or either of them or any part thereof, by strikes, riots, invasion, act of God, the King's enemies, or any other major disaster reasonably beyond the control of them or either of them, then to the extent of such prevention,



the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power or energy during such time.

Each Party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power and energy as aforesaid and the Commission shall pay for the same.

5. (c) The Company shall have the right, at reasonable times, and when possible after due notice has been given to the Commission, to discontinue or reduce to the extent necessary, the supply of power and energy or either of them to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, transmitting or other equipment of the Company at Chats Falls, but all such interruptions, total or partial, shall be of a minimum duration, and when possible arranged for at a time least objectionable to the Commission.

If such interruptions or reductions occur at a time when the Commission requires the delivery of such power then the Commission shall be released on a pro rata basis from its obligations to pay for such power and energy or either of them as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission during such interruptions or reductions.

5. (d) In case of the failure of the Company for any cause other than those specified in Subclauses (b) and (c) of this Clause 5, to have available as set forth in Clauses 1 and 2, the full amount of electrical power or energy to which the Commission is entitled hereunder in any week, there shall be a proportionate reduction in the sums payable by the Commission to the Company in respect of such week.

5. (e) The amount of reduction in the sums payable by the Commission to the Company for any week or the amount which under Subclauses (b), (c) or (d) of this Clause 5 the Commission is not required to pay to the Company in any week shall be calculated in the following manner:

For energy, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Company fails to have available as aforesaid bears to 87.73 times the then contract demand in horsepower.

For power, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the deficiency (that is, the average number of horsepower of electrical power which the Company fails to have available) averaged for the week bears to the then contract demand in horsepower, the said deficiency shall be determined as follows: For each total or partial interruption the average amount of deficiency below the contract demand shall be taken, and then all the deficiencies both as to amount and length of time shall be averaged for the week in proportion to the total hours in the week, that is, the said deficiency shall be the sum total of all deficiencies during the week in horsepower hours divided by the total number of hours in the week.

All such reductions shall be adjusted on the monthly bills in each case for the full weekly periods terminating within the month for which the adjustment is made; no reduction shall, however, be made in respect of inadvertent failure of less than an aggregate of twenty (20) minutes in any one week; provided that if during the week including such period the electrical energy required by and delivered to the Commission exceed 87.73 kilowatt hours per horsepower of the balance of the contract demand after deducting the average number of horsepower of electrical power which the Company fails to have available throughout such week, the Commission shall credit on the reduction a rateable payment for the excess kilowatt hours, that is to say, such excess kilowatt hours up to the said seventy per cent. (70%) of the contract demand, which is 87.73 kilowatt hours per

horsepower of contract demand shall be credited at the rate of 3.28 mills per kilowatt hour and all kilowatt hours taken over the said seventy per cent. (70%) of the contract demand shall be paid for as provided for under Clause 2 (g) of this Agreement; provided further that the Commission shall be entitled to only one reduction in respect of any one failure, such reduction being either in respect of energy or in respect of power whichever shall be greater.

5. (f) The Commission may from time to time with respect to any moneys due to it by the Company under this Agreement satisfy the same by allocating to the payment thereof by way of set-off and retention any other moneys due by it to the Company under any other agreement in force between the Commission and the Company.

6. If any failure of the Company under Clause 5 is due to causes within its control (and without limiting the generality of the foregoing words, financial difficulties of the Company shall be deemed to be within the control of the Company), the Company, in addition to the reductions under Clause 5, shall pay to the Commission as liquidated damages and not as a penalty in respect of every such failure occurring during the first fifteen (15) years after the commencement date, a sum equal to fifty per cent. (50%) of the reduction made in the sums payable by the Commission to the Company, as set out in Clause 3, and thereafter a sum equal to one hundred per cent. (100%) thereof, which liquidated damages shall be in addition to said reductions; provided, however, that deficiency in stream flow or any interruptions under Clauses 5 (b) or 5 (c) shall not be included in the term "causes within its control," as used in this paragraph.

7. One or more representatives or engineers of the Commission designated for this purpose may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and the electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this Agreement is generated, and to take and obtain records therefrom as required; representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the power generated by the Commission at Chats Falls.

8. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained or hereby provided for or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to two arbitrators, one to be appointed by each party to the difference, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario, 1927, Chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario. The findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively except that either may appeal from, move to set aside, vary or refer back an award as provided in the said *Arbitration Act*, and except that the right to appeal to the Supreme Court of Canada and to the Privy Council or either of them shall not be limited.

9. The Commission and the Company respectively shall be entitled at any time prior to the expiration of thirty days' notice in writing to the opposite party delivered after the termination of this Agreement and any extension thereof to remove from the premises of the other party any and all plant and equipment which may have been installed by it for the supply or measurement of power hereunder.

10. This Agreement is made subject to the restrictions imposed upon the Company under the Company's said Emphyteutic Lease dated the twenty-second day of June, 1926, from the Government of the Province of Quebec. The Commission unreservedly recognizes that this Contract



has been entered into by it with the knowledge that the Company may be required to deliver in accordance with the terms of its lease to users in the Province of Quebec as and when required, power developed by the Company and agrees that nothing in this Contract contained can or will derogate from such right and duty on the part of the Company to divert power to users in the Province of Quebec when required in accordance with the terms of the said Lease. The Commission also recognizes particularly the provisions of Clause 9 of the said Lease relating to the export of power to the United States, which provisions shall be complied with by the Commission and may be enforced by the Company.

11. The rates to be paid and payments to be made by the Commission, as set out in Clause 3, shall, subject to the provisions of this clause, include all compensation to the Company for all taxes, levies, rentals, royalties, license fees and charges that may be levied, assessed or imposed by the Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof; if, however, while this Agreement shall continue in force, (a) any Dominion or Provincial taxes or other similar levies (but not any Municipal taxes nor any income taxes) not now in existence be created or any now existing be increased in rate, or (b) any Dominion or Provincial rentals, royalties, license fees or similar charges for the use of water not now in existence be created, or any now existing be increased in rate in such a manner as to increase the cost to the Company by reason of these items of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and every such case an increase shall be made in the payments by the Commission to the Company hereunder which shall, after crediting any reduction in any such items compensate the Company for the increase thereby occasioned in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission under this agreement. Provided that in the event of any reduction in any such items the said increase in the payments by the Commission shall be reduced accordingly to the extent of the total of the said increase but no more.

Provided further that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed to be taxes for the purposes of this clause and the liabilities and obligations of the Commission shall not, in any way, be increased thereby but the same shall be borne by the Company; the recently authorized educational tax of the Province of Quebec not yet promulgated is not considered as now in existence.

12. This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force for a period of forty (40) years from the said commencement date; if this Agreement be not extended beyond the said period of forty (40) years, then the Commission and the Company shall co-operate for the most efficient and satisfactory use of equipment and facilities common to both parties.

13. In the event that the Company, by reason of the provisions in the said Emphyteutic Lease, is required to withdraw the power covered by this Agreement, or any part thereof, for use in the Province of Quebec, and thereby any of the Commission's electrical equipment for purposes of transformation or transmission of the power generated at Chats Falls is rendered idle, in whole or in part, the Company will compensate the Commission therefor to the extent of the moneys which the Commission during the remainder of the period that this Agreement continues in force shall set aside or have to pay to meet interest, insurance, maintenance, protection and proper amortization, on the proportion of the capital cost of such equipment equal to the extent to which such equipment is so rendered idle during the time that the said equipment so remains idle, but the then contract demand shall be reduced by the amount of the power so withdrawn and nothing herein contained shall render the Company liable to the Commission for any loss arising from the Commission being forced to substitute other power for the power so withdrawn.

In the event of the Company being required to withdraw power under the provisions of the said Emphyteutic Lease the Company shall give to the Commission prompt notice in writing to that effect:

14. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may from time to time file with the other; the parties agree each to maintain its address on file with the other.

15. The Company covenants and agrees with the Commission that if at any time hereafter during the continuance of this Agreement the Company should mortgage, hypothecate or charge, in whole or in part, any of its property or rights which are necessary for the development of power or energy at Chats Falls to secure bonds or debentures or other evidences of indebtedness, any such mortgage, hypothecation or charge shall be expressly made subject to all covenants, agreements and obligations on the part of the Company in this Agreement contained; such mortgage, hypothecation or charge shall also expressly provide that no sale of the property or rights so mortgaged, hypothecated or charged, or any part thereof, or for the purpose of enforcing the provisions of such mortgage, hypothecation or charge shall be made, except subject to the said covenants, agreements and obligations and to the condition that the purchaser shall enter into a covenant, agreement and obligation with the Commission to assume and perform the said covenants, agreements and obligations and in all respects succeed to the position of the Company under this Agreement, and it is agreed that all the said provisions shall be conditions of every contract mortgaging, hypothecating or charging, in whole or in part, the property or rights of the Company which are necessary for the development of power or energy at Chats Falls and shall be expressed therein as stipulations in favour of and in trust for the benefit of the Commission. The Commission shall have the right to require the Company or other party granting any such mortgage, hypothecation or charge to enforce such provisions or may itself enforce the same either in its own name or if necessary in the name of such other party.

Before entering into any mortgage, hypothecation or charge as aforesaid the Company or party proposing to grant the same shall submit to the Commission a written draft of a clause or clauses to be included in the said Trust Deed, which clause or clauses shall either be in the language above set forth or be in language framed to afford the protection above provided for; the Commission will, within ten days from the submission of such clause or clauses approve of same or notify in writing any objections thereto; if no objection is offered within the said ten days the clause or clauses shall be taken to be approved, and if any objection is taken in which the mortgaging party does not concur, then the language of the clause or clauses is to be submitted to and approved of by Mr. Eugene Lafleur, K.C., or Mr. Aime Geoffrion, K.C., or Mr. G. H. Montgomery, K.C., or failing any of them by counsel to be named by the Chief Justice of the Superior Court of Quebec at Montreal on summary application if the mortgaging party is in the province of Quebec, and, if the mortgaging party is in the Province of Ontario then to be submitted to and approved of by Mr. Strachan Johnston, K.C., or Mr. Britton Osler, K.C., or Mr. E. G. Long, K.C., or failing any of them, by counsel to be named on summary application by the Chief Justice of the Supreme Court of Ontario; in either case the decision of such counsel shall be final.

The Company further covenants and agrees with the Commission that it will not, except by way of mortgage, hypothecation or charge as aforesaid, assign its Emphyteutic Lease of the 22nd June, 1926, from the Government of the Province of Quebec, or transfer any of its property or rights necessary to the development of power or energy at Chats Falls other than by way of mortgage, hypothecation or charge as aforesaid, except to an assignee or transferee who shall enter into a contract with the Commission covenanting to assume and perform the obligations of the Company in this Agreement contained and in all respects succeed to the position of the Company hereunder.

16. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively.



In witness whereof the Parties hereto have caused this Agreement to be executed under their respective corporate seals attested by the signatures of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

In the presence of

(SEAL)

A. G. MACKINNON.

(SEAL)

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,  
*Chairman.*

(Sgd.) W. W. POPE,  
*Secretary.*

CHATS FALLS POWER COMPANY.

(Sgd.) E. R. PARKINS,  
*President.*

(Sgd.) M. M. COX,  
*Secretary.*

2

THIS AGREEMENT made in duplicate This twenty-fourth day of February, A.D. 1931,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
an Ontario Corporation, hereinafter called the "Commission,"

OF THE FIRST PART,

—and—

OTTAWA VALLEY POWER COMPANY, formerly known as  
Chats Falls Power Company, a Quebec Corporation,  
hereinafter called the "Company,"

OF THE SECOND PART.

Whereas the Commission and the Company by Agreement under date the fifteenth day of February, A.D. 1930, hereinafter called the "Joint Development Agreement," have undertaken jointly the development necessary for the utilization of the total power on the Ottawa River at Chats Falls within both the Provinces of Ontario and Quebec, on the basis of each being entitled as between themselves to the ownership, use and benefit of one-half of all the water available for power at such location and are co-operating in all undertakings necessary in order to bring the whole development to completion at an early date and to maintain and operate the same;

And whereas the Commission and the Company have entered into a further Agreement under date the 15th day of February, A.D. 1930, hereinafter called the "Power Contract, for the sale and delivery to the Commission by the Company of the electrical power and energy which the Company is entitled to produce and deliver from the said joint development:

And whereas the Commission and the Company have entered into an agreement under date the 24th day of February, A.D. 1931, hereinafter called the "Transformer Agreement" for the use by the Company and the Commission of a transformer and switching station therein called the "Transformer Station" to be constructed by the Commission in Ontario:

And whereas for the purpose of economic and efficient service it is desirable that the Commission in addition to maintaining and operating its separate works (as defined in the Joint Development Agreement) should also maintain and operate the works of the Company as hereinafter defined, together with the Company's rights in the said transformer station as defined in the said Transformer Agreement:

Now therefore this Indenture witnesseth:

That for the considerations herein contained the parties hereto mutually covenant, promise and agree as follows:

1. The Company hereby appoints the Commission as its Agent for the purpose of this Agreement and authorizes the Commission as such Agent to exercise and use the rights and to maintain and operate the works of the Company at Chats Falls which are necessary for the delivery of power to the Commission under the said Power Contract, namely:

- (a) All separate works of the Company as defined in the Joint Development Agreement, being:
  - (i) The power house, which term shall not include any intake section necessary for the main dam but shall include every extension of the power house as an additional work;
  - (ii) Power house equipment;
- (b) The Company's interest in and share of the common equipment as defined in the said Joint Development Agreement or as may be mutually agreed upon from time to time;
- (c) The Company's interest and rights in the Transformer Station as defined in the said Transformer Agreement;

all of which power house, equipment, station, interest, rights, and works are hereinafter called the "Company's Works" which term for the purposes of this Agreement is intended to include all property and rights of the Company from the water intake to the point of delivery of power to the Commission at Two Hundred and Thirty Thousand (230,000) volts as mentioned in the said Power Contract.

The above defined works with the word "Commission" substituted for the word "Company" shall for the purposes of this Agreement be called the "Commission's Works."

2. The Commission as such Agent accepts the said appointment and authorization and agrees to maintain and operate the Company's works with skill and diligence without discrimination or favour as between the Commission's works and the Company's works and up to the same standard as the Commission shall maintain and operate the Commission's Works—all subject to the provisions hereinafter contained.

3. The Commission as such Agent shall have, enjoy and exercise all the rights, powers, authorities, privileges and immunities of the Company with respect to the Company's Works for the purposes of maintenance and operation of the same as herein provided, but the Commission shall be under no obligation whatsoever to undertake or continue any services, work or responsibility under this Agreement unless the Company maintain unimpaired its rights and privileges necessary for development of power at Chats Falls and observe and perform all requirements imposed by statute or other proper authority upon the Company, but the Commission shall be under no obligation to see to the maintenance of any rights or privileges of the Company or to the observance or performance of any requirements imposed upon the Company, but shall exercise its best endeavour and judgment to avoid doing any act that would imperil the Company's leases and rights.

4. All ordinary maintenance of the Commission's works and the Company's works shall be effected by the Commission without reference to the Company; all renewals, replacements and reconstruction such as rewinding of generators and replacing of water wheels of the Commission's works and the Company's works other than in the Transformer Station shall before being effected be approved by the Company, but such approval shall not be unreasonably withheld.

5. The Commission will operate the Company's works in conjunction with the Commission's works so as to permit as far as possible the fulfilment of the rights and obligations of both parties under the Power Contract.

6. In case the Commission as such Agent shall at any time or times be prevented from operating the Company's works or performing this Agreement or any part thereof by strike, riot, fire, invasion, explosion, hurricane, flood, act of God, or the King's enemies, or any other cause reasonably beyond its control, or by failure of the Company to perform any obligations or requirements imposed upon it, then the Commission shall not be bound to perform its obligations under this Agreement to the extent that the same are interrupted thereby, but the Company shall not be relieved from its liability for the payment of cost under this Agreement; as soon as the cause of such interruption is removed the Commission shall continue to perform its obligations under this Agreement; the Commission shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption; upon request the Company will render any assistance it might reasonably be expected to render.

7. The Company shall at all times have free access to the Company's works and the Commission's works and everything therein contained relating to this Agreement; the Company shall also have access at all reasonable times to all books, accounts and records of the Commission concerning anything under this Agreement.

8. The Commission shall keep records covering all matters of essential importance hereunder and shall furnish each month to the Company a summary thereof in form similar to that in use by the Commission at Toronto, and whenever required by the Company the Commission shall furnish to the Company all reasonable information which may be necessary for the purposes of the Company hereunder and in addition shall at the expense of the Company furnish any special reports concerning any matters which may arise under the terms of this Agreement.

9. The Commission shall establish and maintain records in such form as will show in detail all receipts and expenditures and the costs of all services and work done under this Agreement so that the same may be checked by the Company and distribution of the items therein contained can be determined separately and distinct from all other cost and expenditures incurred and made by the Commission to the extent that this is practicable.

10. All accounts of the Commission hereunder shall be audited at least once in each fiscal year by the auditor of the Commission and may in addition, if the Company shall so require but at the expense of the Company be audited by an auditor appointed by the Company; copies of any reports made by the auditor of either party hereunder shall be furnished to the other party.

11. The Company shall pay to the Commission and the Commission shall accept as full compensation for acting as Agent for the Company and performing the services under this Agreement such sum annually as shall be equal to one-half of the total cost to the Commission of maintenance and operation of both the Company's works and the Commission's works at Chats Falls power plant including the common equipment and the Transformer Station and also of renewing, replacing and reconstructing the Company's works and the Commission's works and common equipment as hereinbefore provided, but expressly excluding renewals, replacements and reconstruction provided for in the Transformer Agreement; which total cost for the purposes of this Agreement shall without limiting the generality of the foregoing include the following items:

(a) All costs of materials, supplies, tools, stores, apparatus, machinery and equipment except those required for renewals, replacements or reconstruction in the Transformer Station as aforesaid, plus five per cent (5%) of such cost; Provided, however, that when major equipment shall be purchased with or without installation under contract with an equipment company, the percentage to be added to the cost of such equipment including any labour furnished by the equipment company shall be that adopted by the Commission under its general practice in respect to contracts of similar character and shall not in any event exceed five per cent (5%) of the contract prices for such equipment; provided that where installation is made by the Commission the cost of labour and of engineering



and other special services in connection therewith shall be determined as provided in Sub-clauses (b) and (c) of this Clause 11.

(b) All salaries, wages and other remuneration of all persons employed in connection with the services rendered or work done under this Agreement to which shall be added twenty-seven per cent (27%) thereof (which said percentage shall be included as compensation to the Commission for its office, administration and accounting expenses, pensions and Workmen's Compensation), and in addition thereto the out-of-pocket and travelling expenses of such persons while so employed.

(c) The costs of all special engineering, legal, accounting and other special services rendered by employees and officers of the Commission who shall be not regularly employed hereunder and added thereto fifty per cent (50%) of such costs and in addition the travelling and out-of-pocket expenses of such persons while engaged on such business.

(d) The costs of all engineering, legal accounting and other services other than those mentioned in subclauses (b) and (c) of this Clause.

(e) The net cost in each year which shall be incurred by the Commission in maintaining and operating, housing, living and other accommodation for employees, regular or special, engaged on the Commission's works and/or the Company's works; for the purpose of this subclause (e) the cost of maintaining such accommodation shall include interest and amortization at regular Commission rates of the capital cost thereof less any such capital cost already charged to the construction of the Power Development, and expenditures and allowances for insurance, repairs, renewals, taxes and other like charges.

12. The Company shall pay said compensation to the Commission in lawful money of Canada at Toronto on monthly bills, which monthly bills shall be rendered by the Commission to the Company on or before the tenth day of each month and become due and be paid by the Company to the Commission on or before the twentieth day of the said month; such monthly bills shall be mailed by the Commission addressed to the Company at its office in the City of Montreal and if any bill shall remain unpaid after the time when it becomes due the amount thereof shall bear interest at the rate of six per cent. (6%) per annum until paid; the Commission may apply against any such payment in default any money due to the Company by the Commission under the Power Contract or otherwise but failure to apply as aforesaid shall not relieve the Company.

13. In case any claim or claims shall be made against the Commission or the Company in connection with any work done or service rendered under this Agreement by the Commission, the Commission or the Company as the case may be shall promptly notify the other party thereof; if such claim shall arise in the Province of Quebec the Company shall defend the same; if any such claim shall arise in the Province of Ontario the Commission shall defend the same, and in either case each party shall render to the other all assistance for such purposes; costs and expenses in connection with such claims shall form part of the cost of maintenance and operation under this Agreement as mentioned in Clause 11.

14. Nothing in this Agreement shall relieve the Company or the Commission from any obligation under the said Power Contract, or the said Joint Development Agreement or from any obligation under the Transformer Agreement except as provided in Clause 19 of this Agreement.

15. This Agreement shall come into effect as soon as power is being delivered on commercial load from the Company's works or such earlier date as may be agreed upon and shall continue in force until terminated at any time by the Commission or the Company giving Three (3) months' notice in writing to the other party.

16. If by reason of any lawful authority in the Province of Quebec the Commission be prevented from or hindered in the performance of this Agreement, the Commission shall immediately notify the Company of the same, and from the date of each notification of the Commission shall be relieved from any obligation to perform this Agreement.

17. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained or hereby provided for or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to three arbitrators, one to be appointed by each of the parties hereto and the third by these two or in case they cannot agree by a Judge of the Supreme Court of Ontario, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario 1927, Chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario; the findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively except that either may appeal from, move to set aside, vary or refer back an award as provided in the said *Arbitration Act* and except that the right to appeal to the Supreme Court of Canada and to the Privy Council or either of them shall not be limited.

18. Any notice in writing under this Agreement may be given by mailing the same postage prepaid addressed to the party at its office address and shall be deemed to have been given the day following the day of mailing as aforesaid; each party shall keep its post office address on file with the other and such address shall remain the proper address of the party until changed by notice in writing.

19. To the extent necessary to give full effect to this Operating Agreement so long as it remains in force, this Operating Agreement shall take precedence over and supersede the Transformer Agreement and there shall be no duplication of payment for the same service under the two Agreements; but if this Operating Agreement cease to be in force to any extent then to that extent it shall cease to take precedence over or supersede the Transformer Agreement.

20. This Agreement shall extend to, be binding upon and enure to the benefit of the Commission and the Company and their successors and assigns respectively.

In witness whereof the parties hereto have caused this Agreement to be executed under their respective corporate seals attested by the signatures of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

In the presence of

(Commission Seal)

(Company Seal)

THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO.

J. R. COOKE,  
*Acting Chairman.*

W. W. POPE,  
*Secretary.*

OTTAWA VALLEY POWER COMPANY,

C. W. ALLEN,  
*President.*

A. G. MACKINNON,  
*Secretary.*

## SCHEDULE "E"

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION

—AND THE—

JAMES McLAREN COMPANY LIMITED

1. AGREEMENT, AS OF THE 20TH OF DECEMBER, 1930.
2. AGREEMENT AS OF THE 14TH OF JANUARY, 1931.

## 1

This Indenture made in duplicate this 20th day of December, A.D. 1930.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission"

OF THE FIRST PART,

—and—

THE JAMES MACLAREN COMPANY, LIMITED, hereinafter  
called the "Company"

OF THE SECOND PART.

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1927, Chapter 57 and Amendments thereto, is authorized to enter into an Agreement for a supply of electrical power and energy to the Commission.

And whereas the Company is duly incorporated under the laws of the Dominion of Canada, with power to produce and sell electrical power and energy, and is proceeding with Hydro-Electric developments for the said purposes in the Province of Quebec.

And whereas the Company is prepared to deliver electrical power and energy to the Commission at the boundary line between the Provinces of Ontario and Quebec from its pending and future developments on its freehold properties at Masson and High Falls, on the du Lievre River, at or near Buckingham, in the Province of Quebec, and is willing to enter into an Agreement with the Commission for such purposes.

Now therefore this Indenture witnesseth:

That for the considerations herein contained, the parties hereto covenant, promise and agree as follows:

## 1. The Company agrees:

(a) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the First day of July, 1933, and thereafter so long as this Agreement shall continue in force, twenty thousand horsepower (20,000 H.P.) of electrical power or energy on the conditions herein contained; twenty thousand horsepower (20,000 H.P.) shall be the contract demand until such contract demand is increased as provided in subclause (b) next following:

1. (b) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the



First day of July, 1934, and thereafter so long as this Agreement shall continue in force, twenty thousand horsepower (20,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of forty thousand horsepower (40,000 H.P.) until such contract demand is increased, as provided in subclause (c) next following:

1. (c) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the First day of July, 1935, and thereafter so long as this Agreement shall continue in force, twenty-seven thousand horsepower (27,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of sixty-seven thousand horsepower (67,000 H.P.) until such contract demand is increased, as provided in subclause (d) next following.

1. (d) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission on the First day of July, 1936, and thereafter so long as this Agreement shall continue in force, thirty-three thousand horsepower (33,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of one hundred thousand horsepower (100,000 H.P.) until such contract demand is increased, as provided in subclause (e) next following.

1. (e) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the First day of November, 1936, and thereafter so long as this Agreement shall continue in force, twenty-five thousand horsepower (25,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of one hundred and twenty-five thousand horsepower (125,000 H.P.) which shall constitute the maximum contract demand under this Contract.

1. (f) Subject to Clause 2 and Clause 5 to deliver to the Commission whenever required by the Commission electrical power to the extent that water is available up to fifteen per cent. (15 %) in excess of the then contract demand; such excess power shall not increase the then contract demand and no charge shall be made for its use, but nothing in this clause shall be construed as obligating the Company to deliver more kilowatt-hours of energy per week than the Commission is permitted to take under the provisions of Clause 2 (c).

1. (g) To install at its power developments on the said river sufficient equipment and spare equipment to ensure fulfilment of the terms of this Agreement, and for this purpose to provide excess or spare capacity so that at all times the ratio of total installed capacity to contract demand shall be not less than one hundred and fifteen per cent. (115 %).

2. (a) The power delivered hereunder, at the point of delivery shall be alternating, three-phase, and shall have a controlled average periodicity of twenty-five (25) cycles per second, and a pressure between phase wires not exceeding the commercial maximum voltage of approximately two hundred and forty thousand volts (240,000 V.) subject to a reduction from time to time as the Commission may direct of not over fifteen per cent. (15 %) from the determined maximum voltage selected by the Commission, and the equipment and apparatus installed by the Company in its plants shall be suitable for operation to maintain this condition; the Company shall maintain, under normal operating conditions, the generator voltage within two per cent. (2 %) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid, and shall install suitable equipment for such purposes; the power delivered hereunder shall be commercially continuous, twenty-four (24) hour power, every day in the year except as provided herein.

2. (b) Whenever the Commission shall require from time to time, the Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plants or plants to the extent required by the Commission, in order to ensure operation satisfactory to the Commission in parallel with other sources of supply; it is understood and agreed that in operation of plants

in parallel, the control of power factor and power delivery in any generating plant is, to a large extent, within the control of the operators in that plant, and the Company agrees so far as it can do so with its equipment installed, to operate its plant so as to maintain the power factor and the delivery of power within the limits directed by the Commission, from time to time.

If by reason of such parallel operation, the Commission shall inadvertently receive electrical power from the Company at a lower power factor than herein provided, or in excess of the amount to which the Commission is entitled under this Agreement, then the Commission shall not be subject to any charge hereunder for such excess taking of power and such excess taking shall not increase the Contract Demand as herein defined or increase the amount of the payment provided for in subclause (a) of Clause 3 and shall not increase or affect, in any way, any obligation of, or impose any obligation upon the Commission hereunder; excepting that the Company may notify the Commission of such excess and thereupon both parties shall exercise all skill and diligence so as to limit to the utmost such excess taking to a minimum amount and to the shortest possible period of time reasonably necessary for the proper adjustment of the power factors and loads among the various generating plants.

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of seventy per cent. (70 %) based on the then contract demand, that is to say, that during each week after the First day of July, A.D. 1933, so long as this Agreement shall remain in force, the Commission shall be entitled, subject to the provisions of Clause 5, to receive such electrical energy as it shall require not in excess of eighty-seven and seventy-three one-hundredths kilowatt-hours (87.73 Kw. Hrs.) for each horsepower of the then contract demand.

On Sundays and holidays, the Commission, at the request of the Company, shall take not less than three kilowatt-hours (3 Kw. Hrs.) for each horsepower of contract demand; on Saturdays the Commission, at the request of the Company, shall take not less than seven kilowatt-hours (7 Kw. Hrs.) for each horsepower of contract demand.

In the event of an increase in the contract demand occurring other than at the beginning of a contract week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week.

A week for the purposes of this Agreement shall commence at such time during the calendar week as the Commission shall from time to time notify the Company in writing; such week shall be known as the "contract week."

2. (d) The maximum amount of kilovolt amperes to which the Commission shall be entitled under this Agreement shall be the kilowatts corresponding to the maximum amount in horsepower to which the Commission is entitled under Clause One (1) divided by eighty-five one-hundredths (.85).

2. (e) For all purposes of this Agreement, the Company shall be considered to have held available for the Commission in each week, all the horsepower and kilowatt-hours to which the Commission was entitled in that week, unless the Company fails to have available the power which the Commission is entitled to and asks for under the provisions of this Agreement and the Commission complains of such failure at the time, and unless within fourteen (14) days, or other time agreed upon, after the end of that week, the Commission shall have given to the Company written notice of the fact and approximate amount of the deficiency.

2. (f) If the Commission shall inadvertently take in any week more kilowatt-hours than it is entitled to take in such week, the Commission will, upon notice in writing from the Company, adjust the matter by making a corresponding reduction in its takings in the next following contract week after the contract week in which such notice shall have been given, unless the Company shall agree to extend this time; but if

after receipt of such notice from the Company, the Commission shall not during the said next following contract week make good such excess taking and correspondingly reduce its takings during the said contract week, then the Commission shall pay to the Company for any excess energy so taken at the rate of three and twenty-eight one-hundredths mills (3.28 mills) per kilowatt-hour.

2. (g) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the Commission and the Company co-operate.

The Commission and the Company will co-operate in respect of all matters of common interest, including without limiting the generality of the foregoing, design of plant and equipment and design of control, protective, communication and other features which necessitate similar or co-ordinated equipment.

The Commission and the Company shall instal only first-class, modern equipment of such characteristics and type as are best suited for the service intended, and shall from time to time make such commercially reasonable changes in or additions to said equipment (other than major equipment) as will best serve to maintain the system as a whole, in accordance with good practice in the art as developed from time to time.

The Commission and the Company shall each be entitled to the final decision in respect of the design of its own plant and property, other than such features thereof as necessitate similar or co-ordinated equipment at the plant of each party as aforesaid; in the event of the Commission or the Company exercising such right of final decision, then the Commission or the Company, as the case may be, shall be responsible for the suitability for the purpose intended of plant or equipment constructed according to the design selected by it.

The Commission and the Company shall exercise all due skill and diligence so as to secure the satisfactory operation as a system, of the plant, apparatus and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of the high voltage specified and length of lines contemplated.

### 3. THE COMMISSION AGREES:

(a) To pay to the Company, in monthly payments, for all power and energy under this Agreement, at the rate of Fifteen Dollars (\$15) per horsepower per annum, of the then contract demand in effect from time to time, which is a total of:

\$25,000.00 per month from July 1, 1933, until July 1, 1934.

\$50,000.00 per month from July 1, 1934, until July 1, 1935;

\$83,750.00 per month from July 1, 1935, until July 1, 1936;

\$125,000.00 per month from July 1, 1936, until November 1, 1936;

\$156,250.00 per month from November 1, 1936, and during the remaining term of this Agreement.

The amount of dollars per month is obtained by multiplying the maximum contract demand, as determined in Clause 1 hereof by One and one-quarter ( $1\frac{1}{4}$ ); the said monthly payments being subject always to adjustment, as in this Agreement provided.



3. (b) To pay the Company in monthly payments for any excess kilowatt-hours for which payment is to be made under Clause 2 (f); such monthly payments shall cover any amounts payable for such excess kilowatt-hours taken during the full weekly periods terminating within the month for which the payments are made.

3. (c) To make all the payments to be made by it under this Agreement in lawful money of Canada, at Toronto, Province of Ontario, Canada, and to pay the said monthly payments to the Company on the twentieth day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the tenth day of the month; provided that if any bill remains unpaid on the twentieth day of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment, and all payments in arrears shall bear interest at the rate of Six per cent. (6%) per annum; Provided, further, that if the Commission or the Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment; every such adjustment shall include interest at the said rate of Six per cent. (6%) per annum on the amount allowed from the Twentieth day of the month in respect to which adjustment is allowed.

3. (d) At all times to take and use the electrical power in such manner that the current will be taken from the three phases as nearly equally as practicable, and in no case shall the difference in current between any two phases be greater than Five per cent. (5%). If such difference be greater than Five per cent. (5%), the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (e) Subject to all the provisions hereof, at all times to take and use the power and energy covered by this Agreement within the limits set out in Clauses 1 and 2 hereof.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters, hereinafter called "measuring instruments," provided and installed by the Company and so arranged as to measure and record accurately the said power and energy, all in a manner satisfactory to the Commission. Readings from the said kilowatt-hour meters shall be taken daily at the same hour, and recorded by the Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The power delivered and the demand in horsepower or either of them for the purpose of this Agreement shall be the integrated amount of power for twenty (20) consecutive minutes, as determined from coincident readings of the above-mentioned polyphase recording meters and adjusted, when necessary, according to Clause 2 (d). Provided that nothing in this sub-clause shall be construed as increasing the contract demand or any obligation of the Company under Clause 1, or the obligation of the Commission to pay for power hereunder.

4. (c) The weekly taking of the energy shall be determined from the weekly readings of the said integrating kilowatt-hour meters.

4. (d) The power and energy covered by this Agreement shall be delivered at a voltage not exceeding Two hundred and forty thousand volts (240,000 v.) subject to Clause 2, as hereinbefore mentioned, at the boundary between the Provinces of Ontario and Quebec, at or near Cumberland, and the Company shall instal suitable and necessary transformers and a transmission circuit, which circuit shall include a river crossing with one spare conductor complete with the tower on the Ontario shore, all of types and capacities approved by the Commission; and the Company will on

completion of such installation transfer and convey to the Commission the said tower and so much of the said river crossing as is on the Ontario side of the said boundary. All electrical power and energy supplied under this Agreement shall be measured at the Two hundred and forth thousand volt (240,000 v.) step-up transformers at or near the Company's Masson Generating Station on the du Lievre River and on the generator voltage side thereof, and no adjustment of such measurement shall be made for the loss in single step transformation from generator to transmission voltage (approximately Two hundred and forty thousand volts (240,000 v.); the said transformer loss and the transmission loss at the said voltage from the place of measurement at the said transformers to the point of delivery have been and are hereby assumed by the Commission and have already been considered in arriving at the price herein specified; provided that if for any reason the measuring instruments are connected at other than the said point, their readings shall be subject to a correction and shall be corrected to give results such as would be obtained by instruments connected at the said point.

The Company will provide a suitable communication system between its plants and the point of delivery.

4. (e) Access to said measuring instruments and transformers belonging to the Company shall be free to the Commission at any and all times, and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days' previous notice in writing of its desire to test such measuring instruments.

4. (f) The measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Company, all in a manner satisfactory to the Commission.

The Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder at least once in each sixty (60) days; the Commission shall be advised at least five (5) days before the day of the test, so that it may, if it so desires, have a representative present to witness and verify such test. At any time the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, such meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice. If any meter shall be found on regular or special test to be inaccurate, it shall be properly adjusted and the records of its readings taken since the last prior test shall be corrected, and all kilowatt hour readings affected shall be adjusted, all on the basis of the average of progressive inaccuracy. The Company shall repair and replace or retest defective meters or measuring equipment within a reasonable time. During any time there is no meter in service, it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4 (g) The Commission may from time to time, at its option, install duplicate measuring equipment, including necessary current and potential transformers at the points of measurement for the purpose of checking records obtained from the Company's measuring equipment or for any other purpose.

4. (h) The Company shall not be responsible for any damage to property or apparatus furnished by the Commission for the purpose of supplying or measuring power or energy hereunder, or for any other purpose, and installed on the Company's property, unless such damage originates from a source within the control of the Company and external to the said apparatus of the Commission.

4. (i) The kilowatts, kilovolt amperes, kilowatt hours and all other factors and quantities or any of them, shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4; and the standards of McGill University, or of the recognized National authority, if there be such generally accepted, shall be used as the final reference as to the accuracy of measuring equipment.



5. (a) Subject to the direction of the Commission, as provided in Clause 2, the maintenance by the Company of approximately the agreed voltage, at the agreed frequency, at the point of delivery, together with the ability of the Company to supply the power and energy under this Agreement, shall constitute the delivery of power involved in this Agreement.

5. (b) In case the Company shall at any time or times be prevented from delivering, or the Commission from receiving the said power and energy, or either of them, or any part thereof, by strikes, riots, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them, or either of them, then to the extent of such prevention, the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power or energy during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power as aforesaid, and the Commission shall pay for the same.

5. (c) The Company shall have the right at reasonable times and when possible, after due notice has been given to the Commission, to discontinue or reduce, to the extent necessary, the supply of power and energy, or either of them, to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, transmitting, or other equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible arranged for at a time least objectionable to the Commission.

During such interruptions, the Commission shall be released from its obligation to pay for such power and energy as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission.

5. (d) In case of the failure of the Company at any time to have available and to deliver, as set forth in Clauses 1 and 2, the full amount of the electrical power and energy to which the Commission is entitled under this Agreement, there shall be a proportionate reduction in the monthly sum payable by the Commission to the Company, and, without limiting the generality of the foregoing, any failure of the Company under Sub-clause (b) or Sub-clause (c) of this Clause shall be included as a failure under this Sub-clause (d); the amount of reduction from the amount which would otherwise accrue due from the Commission to the Company during such month shall bear the same ratio to such accrued amount as the average deficiency in horsepower during such month bears to the then contract demand in horsepower; the said average deficiency in horsepower during such month shall be the result determined from dividing the number of hours in the month into the total deficiency in horsepower hours below the Commission's requirements within the contract demand, resulting from all the said total or partial interruptions occurring during the month, as shown by the graphic meter records.

5. (e) If any failure of the Company, as mentioned in Clause 5 (d) is due to causes within the Company's control (any interruptions under Clauses 5 (b) or 5 (c) shall, in no way, be deemed to be in the control of the Company, but financial difficulties shall be deemed to be in the control of the Company), the Company, in addition to the reduction under Clause 5 (d), shall pay to the Commission, as liquidated damages determined beforehand in respect of every such failure, a sum equal to fifty per cent. (50%) of the said reduction until the Thirty-first day of October, A.D. 1947, and thereafter to one hundred per cent. (100%) of the said reduction, and the liquidated damages shall be in addition to the said reductions.

6. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time during the continuance of this Agreement, have access to the premises of the Company



for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this Agreement is generated, and to take and obtain records therefrom as required.

Representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical records of the Commission, pertaining to the power supplied under this Agreement.

7. In case any disagreement, dispute, difference or question shall, at any time hereafter, arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained, or hereby provided for, or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company, or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to two arbitrators, one to be appointed by each party to the difference, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario, 1927, chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario; the findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively, except that either may appeal from, move to set aside, vary or refer back an award as provided in the said *Arbitration Act*, and except that the right to appeal to the Supreme Court of Canada and to the Privy Council or either of them shall not be limited.

8. For all purposes of this Agreement, the electrical power and energy kept available for delivery to the Commission and delivered to the Commission under this Agreement shall be taken only from the electrical power and energy derived or developed from the water power owned by the Company in fee simple at Masson and High Falls on the du Lievre River.

This Agreement is made subject to the conditions lawfully attached by the Government of the Province of Quebec to the approvals of the plans and specifications of the works from which the power and energy delivered hereunder are obtained as to export of power to the United States.

9. The rates to be paid and payments to be made by the Commission for power and energy under this Agreement, shall, subject to the provisions of this Clause, include all compensation to the Company for all taxes, levies, rentals, royalties, license fees and charges that may be levied, assessed or imposed by the Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof; if, however, while this Agreement shall continue in force, (a) any Dominion or Provincial taxes or other similar levies (but not any Municipal taxes nor any income taxes) not now in existence be created or any now existing be increased in rate, or, (b) any Dominion or Provincial rentals, royalties, license fees or similar charges for the use of water, not now in existence be created, or any now existing be increased in rate, in such manner as to increase the cost to the Company by reason of these items of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and every such case, an increase shall be made in the payments by the Commission to the Company hereunder which shall, after crediting any reduction in any such items, exactly compensate the Company for the increase thereby occasioned in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission under this Agreement; provided that in the event of any reduction in any such item, the said increase in the payments by the Commission shall be reduced accordingly to the extent of the total of the said increase but no more.

Provided further, that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed to be taxes for the purposes of this Clause and the liabilities and obligations of the Commission shall not in any way be increased thereby but the same shall be borne by the Company; the recently authorized educational tax of the Province of Quebec not yet promulgated shall, for the purposes of this Clause, be regarded as not in existence.

Provided, however, and it is hereby expressly agreed in view of Clause 8 hereof, that all the obligations and liabilities of the Company now existing or which may hereafter arise under or by virtue of two Emphyteutic leases dated respectively the 7th day of November, 1929, and the 5th day of November, 1930, passed before Monsieur Roger Biron and Monsieur Edouard Biron respectively, each of whom is a Notary Public in and for the Province of Quebec and made between the Honourable Honore Mercier, acting in his quality of Minister of Lands and Forests of the Province of Quebec as Lessor, and the Company as Lessee, shall be deemed to have been in existence prior to the date of this Agreement, and that in no event shall any increase be made in the payments by the Commission to the Company or its Assigns under this Agreement, for or in respect of or by reason of any taxes, assessments, tariffs, levies, rentals, royalties, fees, charges or other payments of any kind whatsoever, which are payable or which may hereafter become payable under or by virtue of the said Emphyteutic Leases or either of them, or under any of the provisions contained therein or in any other Provincial Lease or Leases whatsoever.

10. This Agreement shall be binding upon both parties hereto upon its execution, and shall continue in force until the expiry of a period of forty (40) years, which period shall begin on the first day of July, A.D. 1933.

11. The Commission shall be entitled at any time prior to the expiration of thirty (30) days' notice in writing from the Company, delivered after the termination of this Agreement, to remove from the premises of the Company any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.

12. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address or addresses as each party may, from time to time, file with the other. The parties agree each to maintain its address on file with the other.

13. The Company covenants and agrees with the Commission that if, at any time hereafter, during the continuance of this Agreement, the Company or any assignee or transferee from the Company should mortgage, hypothecate or charge any of its rights, or immovable property, which are necessary for the development of power or energy, or any part of such property or rights, to secure bonds or debentures or other securities of like nature, any such mortgage, hypothecation or charge shall be expressly made subject to all covenants, agreements and obligations on the part of the Company in this Agreement contained and shall provide that any sale of the property or rights so mortgaged, hypothecated or charged, or any part thereof, under the provisions of such mortgage, hypothecation or charge, shall be made subject to the obligations of the Company in this Agreement contained, and that the premises mortgaged, hypothecated or charged shall not be sold except to a purchaser who shall covenant and agree with the Commission to assume and perform the obligations of the Company in this Agreement contained, and in all respects succeed to the position of the Company hereunder; and it is agreed that all the said provisions shall be conditions of every contract mortgaging, hypothecating or charging the immovable property or rights of the Company or any assignee or transferee, as aforesaid, which are necessary for the development of power or energy, or any part of such property or rights, and shall be expressed therein as stipulations in favour of, and for the benefit of the Commission.

The Company further covenants and agrees with the Commission that it will not assign or transfer any of its plant or immovable property necessary to the development of power or energy except to an assignee or transferee, which shall covenant and agree with the Commission, in such form and manner as the Commission may require, to assume and perform the obligations of the Company in this Agreement contained; any such assignment or transfer shall not relieve the Company from any of its said obligations, and the Company will, if required by the Commission, execute and deliver to the Commission its guarantee in such form as the Commission may require for the full performance of this Agreement by such assignee or transferee.

14. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto, subject to the consent in writing of the Commission to any assignment other than an assignment to an assignee that shall have complied with Clause 13.

In witness whereof the parties hereto have caused this Agreement to be executed under their Corporate Seals, attested by the signatures of their proper officers duly authorized thereto.

WITNESS:

L. C. CHRISTIE.

*Recommended:*

Dec. 20, 1930.

(Sgd.) R. T. JEFFERY,  
Engineering Dept.

Dec. 10, 1930.

(Sgd.) W. GEORGE HANNA,  
Legal Dept.

*Approved:*

Dec. 20, 1930.

(Sgd.) I. B. LUCAS,  
Gen. Solicitor.

Dec. 20, 1930.

(Sgd.) F. A. GABY,  
Chief Engineer.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,  
*Chairman.*

(Sgd.) W. W. POPE,  
*Secretary.*

(Seal) HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

THE JAMES MACLAREN CO., LIMITED,

(Sgd.) ALBERT MACLAREN,  
*President.*

.....  
*Secretary.*

(Seal) THE JAMES MACLAREN COMPANY, LIMITED, 1900.

T.H.H.

2

THIS AGREEMENT made in triplicate this 14th day of January, A.D. 1935.

BETWEEN:

THE JAMES MACLAREN COMPANY LIMITED, herein called the "MacLaren Company"

OF THE FIRST PART,

MACLAREN-QUEBEC POWER COMPANY, herein called the "Power Company",

OF THE SECOND PART,

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, herein called the "Commission",

OF THE THIRD PART.

Whereas by an Indenture dated the Twentieth day of December, A.D. 1930, the MacLaren Company therein called the "Company," entered into a contract with the "Commission" therein called the Commission, for the sale of power to the Commission, and also on the same date the Commission gave to the Company a letter supplementary to the said contract, the said contract and supplementary letter being herein referred to as the "Power Contract."

And whereas in the said power contract it was provided as follows:

"The Company further covenants and agrees with the Commission that it will not assign or transfer any of its plant or immovable property necessary to the development of power or energy except to an assignee or transferee, which shall covenant and agree with the Commission, in such form and manner as the Commission may require, to assume and



perform the obligations of the Company in this Agreement contained; any such assignment or transfer shall not relieve the Company from any of its said obligations, and the Company will, if required by the Commission, execute and deliver to the Commission its guarantee in such form as the Commission may require for the full performance of this Agreement by such assignee or transferee."

And whereas the MacLaren Company desires to transfer to the Power Company certain properties and rights of the MacLaren Company including the plant and immovable property of the MacLaren Company necessary for the development of electrical power or energy and also desires to transfer to the Power Company the rights, interest and benefit of the MacLaren Company under or arising out of the said power contract.

Now, therefore, this Agreement witnesseth that for the considerations herein contained the parties hereto covenant, promise and agree as follows:

1. The Power Company hereby covenants and agrees with the Commission to assume, undertake and perform and hereby assumes and undertakes and binds itself to perform all the covenants, agreements and obligations of the MacLaren Company under or arising out of the power contract as fully and effectually as the MacLaren Company itself might or could do.

2. The above mentioned transfer of the said plant and immovable property and of the rights, interest and benefit of the MacLaren Company under or arising out of the power contract shall not release or relieve the MacLaren Company from any obligation contained in the power contract.

3. The MacLaren Company hereby covenants and agrees with the Commission that the Power Company will from time to time and at all times perform all the covenants, agreements and obligations contained in the power contract on the part of the MacLaren Company to be performed, and that if the Power Company shall in any respect whatsoever fail to perform any of the said covenants, agreements and obligations with the Commission in accordance with the power contract, the MacLaren Company will itself perform or cause to be performed the said covenants, agreements and obligations as fully in all respects as if the power contract had never been transferred to the Power Company and the MacLaren Company hereby renounces the benefit of discussion and binds itself jointly and severally with the Power Company for due performance as in this clause above set out.

4. The MacLaren Company further covenants and agrees with the Commission that the Commission may at any time agree with the Power Company to vary the terms of the power contract with the Power Company, or take or receive from the Power Company any security whatsoever to secure performance of the said covenants, agreements and obligations, or grant any extension of time to the Power Company, or deal with the Power Company in any manner whatsoever without releasing the MacLaren Company from any covenants, agreements and obligations contained herein or in the power contract or in the power contract as so varied:

5. The Commission hereby declares that the covenants and agreements of the Power Company contained in Clause 1 of this Agreement are made in the form and manner required by the Commission as contemplated by the above recited paragraph from the said power contract and that the guarantee of the MacLaren Company contained in Clause 3 of this Agreement is made in the form and manner required by the Commission as contemplated by the said above recited paragraph, and the Commission hereby consents to the transfer by the MacLaren Company to the Power Company of the rights, interest and benefit of the MacLaren Company under or arising out of the said power contract, subject always to all the terms and provisions of this Agreement.

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals, attested by the signatures of their proper officers duly authorized thereto.

WITNESS:

(Sgd.) J. H. COPPING.

(Sgd.) J. H. COPPING.

*Recommended:*

January 13, 1931.

(Sgd.) W. GEORGE HANNA,

*Approved:*

January 13, 1931.

(Sgd.) I. B. LUCAS.

January 14, 1931.

(Sgd.) F. A. GABY.

THE JAMES MACLAREN COMPANY,  
LIMITED,

(Sgd.) ALBERT MACLAREN,  
*President.*

(Seal)

(Sgd.) J. A. BRYANT,  
*Secretary.*

MACLAREN-QUEBEC POWER COMPANY,  
(Sgd.) ALBERT MACLAREN,  
*President.*

(Seal)

(Sgd.) J. A. BRYANT,  
*Secretary.*

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Seal)

(Sgd.) J. R. COOKE,  
*Vice Chairman.*

(Sgd.) W. W. POPE,  
*Secretary.*





# BILL

An Act to declare the law with respect to  
The Hydro-Electric Power Commission  
of Ontario and with respect to  
certain invalid contracts.

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*1st Reading*

April 1st, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

An Act to declare the law with respect to The Hydro-Electric  
Power Commission of Ontario and with respect to  
certain invalid contracts.

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MR. HEPBURN

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# BILL

An Act to declare the law with respect to  
The Hydro-Electric Power Commission  
of Ontario and with respect to certain  
invalid contracts.

Preamble.

**W**HEREAS The Hydro-Electric Power Commission of Ontario was created a body corporate without capital to serve the interests of the people of Ontario and to supply such power or energy as the municipalities and the people of the said Province might require; and whereas it never was the intention of the Legislature of Ontario that the said Commission should have authority to impose financial and other obligations without consent upon the said municipal corporations, power users and taxpayers of the Province; and whereas in the year 1926 and subsequently The Hydro-Electric Power Commission of Ontario and certain corporations hereinafter more particularly referred to, did, without the consent of the said municipalities, or the ratepayers thereof, contrary to the rights of the said municipalities under existing contracts with the said Commission, and contrary to *The Power Commission Act*, and without regard to the provisions of *The British North America Act*, purport to obligate the said Commission by divers contracts to purchase over long periods of time large quantities of power generated without the Province of Ontario regardless of whether or not the said power was desired or could be used by the said municipalities; and whereas the said Commission has made payments of large sums of money under the said alleged contracts and has illegally charged the cost of the same against certain municipal corporations, and has thereby so increased the cost of power as to threaten industry within the Province and to cause unemployment; and whereas it is desirable to declare the law;

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Commission Act, 1935*.

2. The said contracts, as hereinafter set forth, are hereby declared to be and always to have been illegal, void and unenforceable as against The Hydro-Electric Power Commission of Ontario, such contracts being as follows: Certain contracts declared illegal, void and unenforceable.

- (a) Between the said Commission and Gatineau Power Company, five contracts bearing date the 19th day of May, 1926, and one contract bearing date the 27th day of July, 1926, set out in Schedule "A," hereto;
- (b) Between the said Commission and Gatineau Power Company, two contracts bearing date the 28th day of December, 1927, set out in Schedule "B" hereto;
- (c) Between the said Commission and Beauharnois Light, Heat and Power Company, one contract bearing date the 29th day of November, 1929, set out in Schedule "C" hereto;
- (d) Between the said Commission and Chats Falls Power Company, also known as Ottawa Valley Power Company, one contract dated the 15th day of February, 1930, and one contract dated the 24th day of February, 1931, known respectively as the "Power Contract" and the "Operating Contract," set out in Schedule "D" hereto;
- (e) Between the said Commission and James McLaren Company, Limited, one contract dated the 20th day of December, 1930, and one contract dated the 14th day of January, 1931, set out in Schedule "E" hereto.

3. No action or other proceeding shall be brought, maintained or proceeded with against the said Commission founded upon any contract by this Act declared to be void and unenforceable, or arising out of the performance or non-performance of any of the terms of the said contracts. Action not to be brought against Commission.

4. The said Commission may from time to time pay for such power as it deems advisable, and may, with the approval of the Lieutenant-Governor in Council enter into contracts therefor, and may distribute the cost thereof and all proper charges incidental thereto as determined by it among such municipalities and in such proportions as it may deem equitable, and all distribution as to such costs and charges for power heretofore purchased are validated and confirmed. Contracts,— authority to enter into.

5. The powers by this Act conferred on the said Commission shall be supplementary to the powers conferred on the said Commission by any other Statute. Powers of Commission.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act

## SCHEDULE "A"

BETWEEN THE HYDRO-ELECTRIC POWER COMMISSION  
OF ONTARIO

—AND THE—

## GATINEAU POWER COMPANY

1. AGREEMENT, 19TH OF MAY, 1926.
2. AGREEMENT, 19TH OF MAY, 1926.
3. AGREEMENT, 19TH OF MAY, 1926.
4. AGREEMENT, 19TH OF MAY, 1926.
5. AGREEMENT, 19TH OF MAY, 1926.
6. AGREEMENT, 27TH OF JULY, 1926.

## 1

This Indenture dated the "19th day of May," A.D. 1926.

BY AND BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the Commission,

—and—

GATINEAU POWER COMPANY, a Quebec Corporation,  
hereinafter called the Company:

Witnesseth That

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1914, Chapter 39 and Amendments thereto, is authorized to enter into an agreement for a supply of electrical power or energy to the Commission;

And whereas the Company is duly incorporated under laws of the Province of Quebec, and is carrying on business or proposes so to do for the production and sale of electrical power or energy in the said Province of Quebec;

And whereas the Company is prepared to deliver electrical power or energy from its pending and future developments on the Gatineau River in the Province of Quebec to the Commission at the interprovincial boundary on the Ottawa River, at or near Chats Falls, and is willing to enter into an agreement with the Commission for such purposes;

Now therefore this Indenture witnesseth:

That for the consideration herein contained, the parties hereby covenant, promise and agree as follows:

1. The Company agrees:

(a) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1928, and thereafter so long as this Agreement shall continue in force eighty thousand (80,000) horsepower of electrical power or energy, on the conditions herein contained. Eighty Thousand (80,000) horsepower shall be the contract demand until such contract demand is increased as provided in sub-clause (b) next following:

1. (b) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1929, and thereafter so long as this Agreement shall continue in force, an additional amount of fifty thousand (50,000) horsepower of electrical power or energy, on the conditions herein contained, making a total contract demand



of one hundred and thirty thousand (130,000) horsepower until such contract demand is increased as provided in sub-clause (c) next following.

1. (c) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1930, and thereafter so long as this Agreement shall continue in force, an additional amount of thirty thousand (30,000) horsepower of electrical power or energy on the conditions herein contained, making a total contract demand of one hundred and sixty thousand (160,000) horsepower until such contract demand is increased as provided in sub-clause (d) next following.

1. (d) To keep available for delivery to the Commission and deliver when and as required by the Commission on the first day of October, 1931, and thereafter so long as this Agreement shall continue in force an additional amount, not less than seventy thousand (70,000) nor more than one hundred thousand (100,000) horsepower of electrical power or energy as the Company on or before March 1st, 1930, shall specify in a notice to the Commission, on the conditions herein contained and which additional amount as fixed by the said notice added to the contract demand previously established under sub-clause (c) next preceding shall constitute the maximum contract demand.

1. (e) To install at its said Gatineau River developments sufficient equipment so as to insure fulfilment at all times of the terms of this Agreement.

1. (f) Subject to Clause 2, and Clause 5, to deliver to the Commission whenever required by the Commission, electrical power or energy up to the maximum available overload and spare capacity specified in Clause 3 (d).

1. (g) To provide a storage reservoir or storage reservoirs on the Gatineau River of eighty-two billion (82,000,000,000) cubic feet capacity, this amount having been determined by the Quebec Streams Commission as the appropriate amount to provide a minimum regulated flow at Chelsea in excess of nine thousand (9,000) cubic feet per second under normal low water conditions and an absolute minimum flow of eight thousand (8,000) cubic feet per second in the driest year on record; to use its best efforts to have such storage administered to the best advantage to facilitate its performance of this Agreement; to deliver the full amount of electrical power or energy called for in Clauses 1 (a), 1 (b), 1 (c), and 1 (d), subject to Clause 2 (c), at all times when the flow at Chelsea is one thousand (1,000) cubic feet per second or more in excess of the said absolute minimum of eight thousand (8,000) cubic feet per second, or of such increased absolute minimum as may be created by the provision of additional storage; at all other times to reduce this amount only to the extent that a reduction in the said one thousand (1,000) cubic feet per second of excess flow reduces its output, and, should the stream flow at any time decrease to less than the said absolute minimum, to keep available and deliver to the Commission a ratable proportion of all electrical power or energy possible under such conditions basing the apportionment on the amount of electrical power or energy to which the Commission is entitled when the stream flow is down to the said absolute minimum, and reducing such amount by the same per cent. by which the stream flow falls below the said absolute minimum.

2. (a) The power delivered hereunder shall be alternating, three-phase, having a periodicity of approximately 25 cycles per second and a pressure between phase wires not exceeding the commercial maximum voltage of approximately two hundred and thirty thousand (230,000) volts subject to a reduction of not over fifteen per cent. (15%) from the said maximum voltage, from time to time, as the Commission may direct, and the equipment and apparatus installed by the Company in its plants shall be suitable for operation to obtain this condition; provided, however, that nothing herein shall be construed as obligating the Company to install apparatus having capacity in excess of its rated capacity at normal voltage. The Company shall maintain the Generator voltage within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall install suitable equipment for such purpose, provided that if the Commission at any time take power, as provided for in Clause 1 (f), in excess of the contract demand, then the Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed.



2. (b) Whenever the Commission shall require, from time to time, the Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plant or plants to the extent required by the Commission in order to ensure operation satisfactory to the Commission in parallel with other sources of supply. It is understood and agreed that in operation of plants in parallel the control of power factor and power delivery in any generating plant is to a large extent within the control of the operators in that plant and the Company agrees so far as it can do so with its equipment installed to so operate its plants as to maintain a power factor at its points of measurement to the Commission and also the delivery of power within the limits directed by the Commission, from time to time, provided that by so doing it shall if and to the extent necessary be relieved from its obligations as to voltage and frequency regulation specified in Clause 2 (a).

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of seventy per cent. (70 %) thereof, and no more, that is to say, that during each week after October 1st, 1928, so long as this Agreement shall remain in force the Commission shall be entitled, subject to the provisions of Clause 3 (e), to receive such electrical power or energy as it shall require, not in excess of eighty-eight (88) kilowatt hours for each horsepower of contract demand.

On Sundays and holidays the Commission, at the request of the Company shall take not less than three (3) kilowatt hours for each horsepower of contract demand. On Saturdays the Commission, at the request of the Company, shall take not less than seven (7) kilowatt hours for each horsepower of contract demand.

2. (d) The maximum amount of the electrical power or energy delivered by the Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five per cent. (85 %) shall be eighty-five per cent. (85 %) of the kilovolt amperes considered as true power or kilowatts.

2. (e) If in any of the seven year periods, below described, the Company shall, due to conditions of stream flow, fail to have available for the Commission during the months of September to February inclusive, the full number of kilowatt hours to which the Commission is entitled under this Agreement during such months, and such failure shall extend to more than four per cent. (4 %) of such kilowatt hours, then and in such case the contract demand shall thereafter, at the option of the Commission, be reduced to such a point that had the reduced contract demand been in effect during such seven year period the deficiency aforesaid would have equalled but not exceeded four per cent. (4 %) of the full number of kilowatt hours to which the Commission would be entitled under the reduced contract demand during the months of September to February inclusive of a seven year period.

The first such seven year period shall begin October 1st, 1931, and the other seven year periods shall follow successively, provided, however, that if at the end of the sixth or any earlier year of any such seven year period the total permissible deficiency for the whole seven year period (an aggregate of twenty-eight (28) per cent. of the full number of kilowatt hours to which the Commission was entitled in any six months under the contract demand as it existed during such period) shall have been exceeded, then and in that case, the Commission may by notice in writing to the Company terminate such seven year period at any time thereafter within such seven year period, and a new seven year period shall begin forthwith and whenever such period is so ended the contract demand shall thereafter be reduced by a percentage determined by ascertaining the deficiency so occurring during the months of September to February, inclusive, of the years of such period then elapsed, expressing the same as a percentage of the full number of kilowatt hours to which the Commission was entitled in any six months under the contract demand as it existed during such period, reducing such percentage by twenty-eight, and dividing the balance by seven.

If the first such seven year period is so ended before its normal expiration the consequent reduction of contract demand shall be by a percentage determined by ascertaining the deficiency so occurring during the months of September to February, inclusive, of the years of such period then elapsed,

expressing the same as a percentage of the full number of kilowatt hours to which the Commission was entitled in any six months under the maximum contract demand, reducing such percentage by twenty-eight, and dividing the balance by five (or by six if such seven year period shall have been ended at the end of its sixth year).

But any reduction of the contract demand shall be eliminated and the original contract demand restored after, and to the extent, that the deficiency in stream flow causing the same is remedied by the provision of additional storage.

2. (f) In the application of the provisions of this Agreement the Company shall be entitled to the same credit for horsepower and kilowatt hours held available for the Commission but not taken by the Commission as if the same had been taken by the Commission, and except as provided in Clause 5 (b), no failure by the Commission to provide the necessary transmission and other facilities to receive such power, and no failure to use the same, shall relieve the Commission from any of its obligations to make the full amount of the payment herein specified to be made by it. For all purposes of this agreement the Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless the Company fails to have available the power which the Commission asks for, being entitled to the same under the provisions hereof, and the Commission complains of such failure at the time, and unless within fourteen days after the end of that week the Commission shall have given to the Company written notice of the fact and approximate amount of the deficiency.

If at any time, however, the Commission anticipates a deficiency in stream flow within the ensuing six (6) months' period, it may give to the Company written notice stating and certifying as facts that the Commission anticipates during the ensuing six (6) months such a deficiency in stream flow as would prevent the Company making full deliveries to the Commission throughout that period, that because and only because of such anticipated deficiency and of its desire to regulate its supply during the same the Commission desires the Company to curtail its deliveries to the Commission during such period, specifying the weeks during which the Commission desires such curtailment made, certifying that the number of kilowatt hours which in each such week the Commission would require were it not for such anticipated deficiency are as specified in such notice, stating the number of kilowatt hours curtailment which the Commission desires in each such week and giving as the balance in each such week the number of kilowatt hours which the Company is to deliver to the Commission in each such week under such curtailment programme. Such notice shall be delivered to the Company at least one clear week before the first week in which it requires curtailment. The Company shall thereupon reduce as therein required its deliveries to the Commission, and shall not be considered to have held available for the Commission in any week specified in such notice the kilowatt hours of curtailment specified in the notice, and the Commission shall be entitled to a reduction in its payments for such week in the ratio which the kilowatt hours of curtailment bear to full contract deliveries, unless at the end of the period it shall appear that there was in fact water available either from storage or from precipitation or natural run off for the supply of all or part of the kilowatt hours of curtailment. To the extent to which there was in fact water available as aforesaid to generate such kilowatt hours of curtailment the Commission shall promptly make good with interest at six per cent. (6%) per annum the amount by which its payments shall have been reduced on account of such curtailment.

The Company by receipt of any such notice shall not be bound forthwith and from day to day or week to week to curtail its deliveries to its other customers, but shall so administer the utilization of stream flow and storage that, over the period covered by the notice, if the anticipated deficiency in fact occurs, the Commission shall at all times during the period specified in such notice as well as at the end thereof receive so far as is possible within the limitations imposed by the curtailment instructions of the Commission and the provisions of Clause 2 (c) its full share of the available electrical power or energy on the basis set forth in Clause 1 (g).



The Commission may at any time vary the curtailment specified in such notice for any week by giving the Company written notice of such modification at least seven days before the beginning of such week.

2. (g) If the Commission shall inadvertently take in any week more kilowatt hours than it is entitled to take in such week, and the Company shall not in advance of such excess taking have filed with the Commission a protest against the same, then upon notification from the Company the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any penalty for such excess taking, or for any delay in making good the same. A protest from the Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby the Commission shall limit its weekly taking to the number of kilowatt hours which it is entitled to take hereunder, always provided that the Company, so far as practicable, regulates the rate of delivery of power and the kilowatt hours from time to time as the Commission may direct.

2. (h) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the Commission and the Company co-operate. The Commission and the Company will co-operate in respect of all matters of common interest including plant and equipment design, hydrology and storage, provided that the Commission and the Company shall each have the final decision and be responsible for its respective plant and properties. The Commission and the Company will also co-operate in respect of design of control, protective, communication and other such features, as necessitate similar or co-ordinated equipment at the plants of each party. The Commission and the Company shall also install only first-class modern equipment, of such characteristics and type as are best suited for the service intended, and from time to time make such commercially reasonable changes in, or additions to, such equipment (other than major equipment) as will best serve the system as a whole. The Commission and the Company shall exercise all due skill and diligence so as to secure the satisfactory operation as a system, of the plant, apparatus, and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of such high voltage specified and length of lines contemplated.

### 3. The Commission agrees:

(a) To pay to the Company in monthly payments for all power under this Agreement at the rate of fifteen dollars (\$15.00) per horsepower per annum on the contract demand which is a total amount of one hundred thousand dollars (\$100,000) per month from October 1st, 1928, until October 1st, 1929; one hundred sixty-two thousand five hundred dollars (\$162,500) per month from October 1st, 1929, to October 1st, 1930; two hundred thousand dollars (\$200,000) per month from October 1st, 1930, to October 1st, 1931; and thereafter while this Agreement remains in force the amount in dollars per month which is obtained by multiplying the maximum contract demand as determined in Clause 1 hereof by one and one-quarter ( $1\frac{1}{4}$ ); the said monthly payments being subject always to adjustment as in this Agreement provided.

It is understood that the power developments necessary to supply the contract demand are of such size that they cannot advantageously be financed exclusively in Canada; and that therefore it will be desirable that the bonds issued by the Company to finance the development be payable, principal and interest, at the option of the holder, in gold coin of the United States of America, as have been the bonds of the Province of Ontario and of the Dominion of Canada which have been sold in the United States since the war. The Commission agrees to make all the payments to be made by it under this Agreement, in lawful money of Canada or in gold, as requested by the Company, at Toronto. If, however, and when the export of gold from Canada be embargoed, the Commission will, at the request of

the Company make such payments in New York funds. The Commission shall also have the right at its option to make any such payments at any time in New York funds.

3. (b) To pay the said monthly payments to the Company on the 20th day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the 10th; provided that if any bill remains unpaid on the 20th of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of seven per cent. (7%) per annum; provided further that if the Commission or the Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment.

3. (c) At all times to take and use the three-phase power in such manner that the current will be equally taken from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%), the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (d) At all times to take and use the power set out in Clauses 1 (a), 1 (b), 1 (c), and 1 (d) hereof, so as not to exceed the weekly takings as specified in Clause 2 (c) herein; provided that the Commission may at any time, but subject to the provisions of Clause 2 herein, increase the rate of taking of power to an amount in excess of the Contract demand, up to the limits of the overload capacity of all the equipment used from time to time by the Company exclusively to meet its obligations hereunder, and of all the unused and available capacity of the remaining 25 cycle equipment of the Company, including such spare capacity as the Company may install in order to reasonably provide for meeting the Company's obligations under this Agreement.

3. (e) To give to the Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Company, particularly as to any probable reduction in such requirements for any prospective period of light load. The intent of the parties in this clause is so far as is possible by reasonable co-operation to provide for the most economic use of the storage waters on the Gatineau watershed.

4. (a) The measurement of electrical power or energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters, provided and installed by the Company and so arranged as to measure and record accurately the said power. Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded by the Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above mentioned polyphase recording demand meters and the demand shall be the greatest integrate demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power, provided that nothing in this sub-clause shall be construed as increasing any obligation of the Company under Clause 1.

4. (c) The power and energy covered by this Agreement shall be delivered at approximately two hundred and thirty thousand (230,000) volts (subject to Clause 2-a) as hereinbefore mentioned at the boundary between the Provinces of Ontario and Quebec at or near Chats Falls, and the Company shall install the suitable and necessary transformers, and



either two transmission circuits of three wires each, or a single circuit loop of three wires for transmission from the generating plant or plants to the point of delivery, of a type and capacity approved by the Commission. Instead of installing two circuits from the generating plants to the point of delivery, the Company may, at its option, install one single circuit loop connecting the point of delivery and the generating plants (in any event there shall be two circuits at point of delivery), or at the option of the Company, the circuits, double or loop, may in whole or in part be of One Hundred and Ten Thousand (110,000) or other intermediate voltage lower than approximately Two Hundred and Thirty Thousand (230,000); the Company in this case shall provide all the necessary intermediate step-up transformers and other equipment involved and make delivery at approximately Two Hundred and Thirty Thousand (230,000) volts according to the requirements of this Agreement. The power and energy supplied under this Agreement shall be measured on the generator voltage side of the Two Hundred and Thirty Thousand (230,000) volt step-up transformers at Farmer's, Chelsea and/or Paugan and no adjustment of such measurement shall be required except as below provided, the loss in single step transformation from generator to transmission voltage (approximately 230,000 volts as above) and transmission at this voltage from the transforming station or stations to the point of delivery having already been considered in the price herein specified. Such allowable losses shall not, however, in any case, include (1) more than one transformation loss on the total amount of power or energy involved, or (2) additional losses due to transmission at any intermediate voltage or to additional length of transmission. Any additional losses due to (1) and (2) shall be borne by the Company.

The Company will provide a suitable communication system between its plants and the point of delivery.

4. (d) Access to said instruments and transformers belonging to the Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days' previous notice in writing, of its desire to test such measuring instruments.

4. (e) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power or energy hereunder shall be provided, installed and maintained by the Company.

The Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days. The Commission shall be advised at least five (5) days before the day of the test so they may if they so desire have a representative present to witness and verify such test. At any time the Commission notifies the Company that it believes that such meters or any of them are not within the closest practicable agreement with perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice. If any meters shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected. The Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time. During any time there is no meter in service it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4. (f) The Commission may from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Company's measuring equipment or for any other purpose.

4. (g) The Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission.

4. (h) The kilowatts, kilovolt-amperes, kilowatt hours, or any other factor or quantities shall be determined directly or indirectly from the

measuring equipment provided for in this Clause 4, and the University of Toronto electrical standards shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) Subject to the direction of the Commission, as provided in Clause 2, the maintenance by the Company of approximately the agreed voltage, at approximately the agreed frequency, at the point of delivery, together with the ability of the Company to meet the requirements of the Commission under this Agreement, shall constitute the delivery of power involved in this Agreement, provided, however, that the provision in Clause 2 (a) as to 2% regulation of voltage shall apply only at the points of generation.

5. (b) In case the Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strikes, lockouts, riots, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or either of them, then to the extent of such prevention, the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power as aforesaid and the Commission shall pay for the same.

The Commission agrees, however, that in no period of seven consecutive years, beginning October 1st, 1928, shall the aggregate of the payments made by it to the Company be reduced under this Clause 5 (b) by more than ten per cent. (10%), (that is seventy per cent. (70%) of the average annual payment during the period) by reason of the Commission being prevented from receiving the said power.

5. (c) The Company shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming or transmitting equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible, arranged for at a time least objectionable to the Commission.

During such interruptions, the Commission shall be released from its obligations to pay for such power as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission.

6. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this Agreement is generated, and to take and obtain records therefrom as required. Representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the power supplied under this Agreement.

7. If any disputes arise between the parties hereto relative to the fulfilment of any of the terms, provisos or conditions of this Agreement, or as to the method or accuracy of the measurement of power or any other question which may arise under this Agreement, the same shall be promptly referred to arbitration under the Arbitration Act of the Province of Ontario, and shall be determined under the present laws of the Province of Ontario and when possible in a summary manner. The findings of the Arbitrator or Arbitrators shall be final and binding upon both parties hereto, except that either party may appeal from an award of the arbitrators as provided in the said Arbitration Act, and that the



right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited.

The Commission may pursue any or all of its remedies either concurrently or in the alternative and may treat as cumulative any or all of its remedies hereunder. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this contract.

Any failure by the Company to deliver or have available the full amount of electrical energy to which the Commission is entitled hereunder, all in the manner and under the conditions herein specified, shall be adjusted as herein provided, including the provisions for arbitration herein contained, and shall not in any event be cause for cancellation of this Agreement.

8. In case of the failure of the Company in any week to have available as set forth in Clauses 1 and 2 the full amount of electrical power or energy to which the Commission is entitled hereunder in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Company for such week; that is, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Company fails to have available as aforesaid bears to eighty-eight (88) times the then contract demand; and in addition if such failure of the Company is due to causes within its control (deficiency of stream flow or any of the matters in Clause 5 (b) shall in no way be deemed to be within the control of the Company nor shall interruptions under Clause 5 (c) be deemed within the control of the Company, but financial difficulties are to be considered within the control of the Company), the Company shall pay to the Commission, as liquidated damages, a sum equal until October 1st, 1943, to fifty per cent. (50%) of the reduction so made in the sums payable by the Commission to the Company; thereafter, to one hundred per cent. (100%).

9. This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force for a period of thirty years, which period shall begin on the day and date when power is first taken hereunder.

10. The Commission shall be entitled at the termination of this Agreement, or within thirty days thereafter, to remove from the Company's premises any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.

11. The Commission agrees to observe strictly all Quebec and other laws affecting the exportation, outside of Canada, of the electric power or energy supplied by the Company to the Commission under this Agreement.

12. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may, from time to time, file with the other. The parties agree each to maintain its address on file with the other.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
Chairman.	Hydro-Electric
(Sgd.) W. W. Pope,	Power Commission
Secretary.	of Ontario.

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
President.	Gatineau Power
(Sgd.) F. G. SIMONS,	Company.
Secretary.	Incorporated 1926.

Checked  
260519 (Sgd.) W. G. HANNA.

## SUPPLEMENTARY AGREEMENT

To Indenture dated May 19th, 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

—and—

GATINEAU POWER COMPANY, hereinafter called the  
"Principal Agreement."

The Company shall not be liable for any partial or total failure to deliver electrical power or energy under the Principal Agreement which is due to the act of the Province of Quebec.

In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

(Sgd.) C. A. MAGRATH,  
*Chairman.* (Seal)  
Hydro-Electric  
Power Commission  
of Ontario.

(Sgd.) W. W. POPE,  
*Secretary.*

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,  
*President.* (Seal)  
Gatineau Power  
Company.  
(Sgd.) F. G. SIMONS,  
*Secretary.* Incorporated 1926.

## SUPPLEMENTARY AGREEMENT

To Indenture dated "May 19th," 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

—and—

GATINEAU POWER COMPANY.

The Company shall not be obligated to install apparatus for a maximum voltage higher than that available from apparatus which the manufacturers are willing to build and recommend for use on a 220,000 volt system and in connection with standard 220,000 volt switching and auxiliary equipment, or higher than the Commission provides for in its portion of the 220,000 volt system.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,  
*Chairman.* (Seal)  
Hydro-Electric  
Power Commission  
of Ontario.

(Sgd.) W. W. POPE,  
*Secretary.*

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,  
*President.* (Seal)  
Gatineau Power  
Company.  
(Sgd.) F. G. SIMONS,  
*Secretary.* Incorporated 1926.

## SUPPLEMENTARY AGREEMENT

To Indenture dated "May 19th," 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

—and—

GATINEAU POWER COMPANY, hereinafter called the  
"Principal Agreement."

The Company may on or before August 1, 1926, notify the Commission that due to its inability theretofore to obtain certain specified and necessary rights, permits, licenses or franchises or to consummate the purchase of the Pagan water power, it is unable to proceed further with the Principal Agreement, unless the Commission will agree that the Company shall not be liable for any partial or total failure to deliver electrical power or energy under the Principal Agreement, which is due to the inability of the Company to obtain the necessary rights, permits, licenses and franchises so specified which it shall not have obtained, or to the inability of the Company to consummate its purchase of Pagan. Thereupon and within fifteen days thereafter the Commission shall notify the Company whether the Commission is willing to make such Agreement. If the Commission is unwilling to make such Agreement, the Principal Agreement shall be at an end and neither party shall be liable to the other. If the Commission does make such Agreement, and the Company thereafter makes a partial failure to deliver electrical power or energy, as herein provided, and such partial failure is of a permanent nature, a corresponding reduction shall be made in the contract demand.

The Commission agrees that it will promptly join with the Company in an application for the Ottawa River crossing in the neighbourhood of Chats Falls, and will prepare and have ready an application for this purpose together with all necessary accompanying plans on or before May 20, 1926. In case such plans shall be delayed beyond May 20, the date of August 1, shall be correspondingly postponed.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
<i>Chairman.</i>	Hydro-Electric
	Power Commission
(Sgd.) W. W. POPE,	of Ontario.
<i>Secretary.</i>	

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
<i>President.</i>	Gatineau Power
	Company.
(Sgd.) F. G. SIMONS,	Incorporated 1926.
<i>Secretary.</i>	

## SUPPLEMENTARY AGREEMENT

To Indenture dated "May 19th," 1926.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

—and—

GATINEAU POWER COMPANY, hereinafter called the  
"Principal Agreement."

The rates to be paid and payments to be made by the Commission, as set out in sub-clause (a) of Clause 3 of the Principal Agreement, shall, subject to the provisions of this supplementary agreement include all compensation to the Company for all taxes, rentals, licenses, fees and charges that may be levied, assessed or imposed by Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof. If, however, while the Principal Agreement shall continue in force (1) any Dominion or Provincial taxes or charges not now in existence should be created, or any now existing be increased, or (2) the rentals or royalties which are payable as now specified under the lease from the Crown of the Pagan water power generating the electrical energy supplied to the Commission hereunder shall be increased in such manner as to increase the cost to the Company in respect of these items of the electrical power or energy kept available for and delivered to the Commission under the Principal Agreement, then in each and any such case, an increase shall be made in the payments by the Commission to the Company hereunder which shall after crediting any reductions in any of such items exactly compensate the company for the increase thereby occasioned in the cost to the Company of the electrical power or energy kept available for and delivered to the Commission under the Principal Agreement.

The recently authorized Quebec tax not yet promulgated is not considered as now in existence.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
<i>Chairman.</i>	Hydro-Electric
	Power Commission
(Sgd.) W. W. POPE,	of Ontario.
<i>Secretary.</i>	

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
<i>President.</i>	Gatineau Power
	Company.
(Sgd.) F. G. SIMONS,	Incorporated 1926.
<i>Secretary.</i>	



## SUPPLEMENTARY AGREEMENT

To Indenture dated May 19, 1926.

BETWEEN:

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

—and—

GATINEAU POWER COMPANY (hereinafter called the  
"Principal Agreement").

1. The place of delivery of the power and energy shall instead of being at the boundary between the Provinces of Ontario and Quebec at or near Chats Falls as mentioned in one of the recitals in the Principal Agreement and required by Clause 4 (c) of the Principal Agreement, be a point in the Province of Ontario ten feet distant from the boundary between the Provinces of Ontario and Quebec at or near Chats Falls.

2. It is understood and agreed between the parties hereto that the said change in place of delivery shall not subject the Company to the burden of taxes, fees or other charges levied, assessed or imposed in respect of the electrical power or energy sold and delivered under the Principal Agreement and supplementary agreements as hereinafter provided by or under the authority of the Province of Ontario or any taxing authority thereof or therein; and notwithstanding any provision of the Principal Agreement or of the agreement supplementary thereto between the parties (hereinafter mentioned) relating to the rates to be paid and payments to be made by the Commission and the inclusion therein of compensation to the Company for taxes, rentals, licenses, fees, and charges of Dominion, Provincial or municipal or other authorities, the Commission will indemnify the Company against and reimburse the Company for any and all taxes, fees and other charges which may at any time be levied, assessed or imposed by the Province of Ontario or any authority thereof or thereunder, including any municipality therein, in respect of the ownership, operation, maintenance or use of the ten feet of transmission lines in Ontario, or in respect of the transmission, sale or delivery of power or energy under the Principal Agreement and supplementary agreements or in respect of the gross or net income derived therefrom, whether any such tax, fee or other charge is levied, assessed or imposed upon the Company itself or its property, or upon the owner of such ten feet of transmission lines (if the same is not owned by the Company) or upon the property of such owner.

3. The Principal Agreement and the four supplementary agreements for the following purposes:

- (1) Agreement in reference to the Company's ability to obtain certain rights and franchises to permit it to make delivery of power to the Commission, and in default of it being able to do so before August 1st, 1926, making certain provisions for cancellation of the Principal Agreement;
- (2) Agreement with reference to additional or increased Dominion or Provincial taxes and charges, providing that the Commission must pay the same;
- (3) Agreement relieving the Company from liability for failure to deliver power under the Principal Agreement due to any Act of the Province of Quebec;
- (4) Agreement relieving the Company from installation of apparatus of maximum voltage higher than that which the manufacturers are willing to recommend;

Together with this Supplementary Agreement, are hereby entered into as of the 19th day of May, 1926, and all the covenants, terms and conditions set out in the Principal Agreement and the aforesaid five supplementary agreements are hereby agreed to by the parties hereto as of the 19th day of May, 1926.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers this 27th day of July, 1926.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,	(Seal)
<i>Chairman.</i>	Hydro-Electric
(Sgd.) W. W. POPE,	Power Commission
<i>Secretary.</i>	of Ontario.

GATINEAU POWER COMPANY.

(Sgd.) A. R. GRAUSTEIN,	(Seal)
<i>President.</i>	Gatineau Power
(Sgd.) F. G. SIMONS,	Company
<i>Secretary.</i>	Incorporated 1926.



## SCHEDULE "B"

BETWEEN:

THE ONTARIO HYDRO-ELECTRIC POWER COMMISSION

—AND THE—

GATINEAU POWER COMPANY

1. AGREEMENT, AS OF DECEMBER 28TH, 1927.
2. AGREEMENT, AS OF DECEMBER 28TH, 1927.

## 1

This Indenture dated the 28th day of December, A.D. 1927.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.  
hereinafter called "the Commission,"

of the first part

—and—

GATINEAU POWER COMPANY, hereinafter called "the  
Company"

of the second part.

Witnesseth That

Whereas the Commission, acting under *The Power Commission Act, 1927*, 17 Geo. V., Chapter 17, and Amendments thereto, is authorized to enter into an Agreement for the purchase of electrical power and energy for the Commission;

And whereas the Company is duly incorporated under laws of the Province of Quebec, and is carrying on business for the production and sale of electrical power and energy;

And whereas the Company is prepared to deliver electrical power and energy from its present and future developments on the Gatineau River and elsewhere in the Province of Quebec to the Commission at the points in Ontario hereinafter provided, and is willing to enter into an Agreement with the Commission for such purposes;

Now therefore this Indenture witnesseth:

That for the consideration herein contained, the parties hereby covenant, promise and agree as follows:

1. The Company agrees:

(a) To keep available for delivery to the Commission and deliver when and as required by the Commission on the conditions herein contained electrical power and energy which shall not be less than the minimum amounts specified in the following schedule during the times therein mentioned namely:

Commencing on the First day of October, 1928, and continuing until increased on the First day of October, 1929, the minimum amount of six thousand horsepower (6,000 H.P.);

Commencing on the First day of October, 1929, and continuing until increased on the First day of October, 1930, the minimum amount of twelve thousand horsepower (12,000 H.P.);

Commencing on the First day of October, 1930, and continuing until increased on the First day of October, 1931, the minimum amount of eighteen thousand horsepower (18,000 H.P.);

Commencing on the First day of October, 1931, and continuing until increased on the First day of October, 1932, the minimum amount of twenty-four thousand horsepower (24,000 H.P.);

Commencing on the First day of October, 1932, and continuing until increased on the First day of October, 1933, the minimum amount of thirty thousand horsepower (30,000 H.P.);

Commencing on the First day of October, 1933, and continuing until increased on the First day of October, 1934, the minimum amount of thirty-six thousand horsepower (36,000 H.P.);

Commencing on the First day of October, 1934, and continuing until increased on the First day of October, 1935, the minimum amount of forty-two thousand horsepower (42,000 H.P.);

Commencing on the First day of October, 1935, and continuing until increased on the First day of October, 1936, the minimum amount of forty-eight thousand horsepower (48,000 H.P.);

Commencing on the First day of October, 1936, and continuing until increased on the First day of October, 1937, the minimum amount of fifty-four thousand horsepower (54,000 H.P.);

Commencing on the First day of October, 1937, and continuing so long as this Agreement shall continue in force the minimum amount of sixty thousand horsepower (60,000 H.P.);

Provided that each minimum amount specified in the said schedule shall be the contract demand during the time therein mentioned unless and until increased as provided herein:

1. (b) To keep available for delivery to the Commission and deliver when and as required by the Commission after written notice from the Commission given from time to time prior to the First day of October, 1938, and effective subject to the provisions of Sub-clause (e) of Clause 3 additional electrical power and energy in addition to the then contract demand up to but not exceeding that amount which with the then contract demand will make a total amount of one hundred thousand horsepower (100,000 H.P.) provided that the total amount of electrical power and energy from time to time to be kept available shall be the contract demand; provided that any additional amount or amounts required by the Commission by notice or notices from time to time under this Sub-clause (b) or such portion thereof as the Commission may determine shall be applied at the option of the Commission to be expressed in such notice: (A) to take up and form part of the increases in minimum amounts provided for in Sub-clause (a) of this Clause 1; or (B) to add to the said minimum amounts as a permanent addition thereto and increase of contract demand, in which case the Commission shall be entitled to the increases in minimum amounts provided for under Sub-clause (a) and all the additions under Sub-clause (b) up to but not exceeding the total amount of one hundred thousand horsepower (100,000 H.P.); and provided further that the total amount including the minimum of sixty thousand horsepower (60,000 H.P.) and subject to the above option all electrical power and energy in addition thereto which the Commission shall have ordered by notice as aforesaid prior to the first day of October, 1938, shall constitute the contract demand commencing on the said First day of October, 1938, or so soon thereafter as the same shall be available but in any event not later than the year or two years respectively allowed under Sub-clause (e) of Clause 3 and continuing so long as this Agreement remains in force subject always to any increase which may be made under Sub-clause (a) of Clause 2; One hundred thousand horsepower (100,000 H.P.) or such greater amount as shall have become the contract demand by reason of increase under Sub-clause (a) of Clause 2 shall be the contract demand governing this Agreement; and shall remain unaltered notwithstanding the provisions for ten per cent. (10%) excess in Sub-clause (e) of Clause 2, except as therein provided;

1. (c) To install at its said Gatineau River and other developments sufficient equipment and also transmission lines so as to insure fulfilment at all times of the terms of this Agreement.

1. (d) To provide a storage reservoir, or storage reservoirs on the Gatineau River of at least 82,000,000,000 cubic feet capacity this amount having been determined by the Quebec Streams Commission as the appropriate amount to provide a normal minimum regulated stream flow at Chelsea in excess of 9,000 c.f.s.; to use its best efforts to have such storage administered to the best advantage to facilitate its performance of this Agreement; to deliver the full amount of electrical power and energy called for in the preceding sub-clauses of this clause and Sub-clause (b) of Clause 2 at all times when the stream flow at Chelsea would be at least equal to such normal minimum of 9,000 c.f.s. with a capacity of 82,000,000,000 cubic feet of storage; at all times when with storage capacity provided to the amount of 82,000,000,000 cubic feet as aforesaid the river would not have provided a stream flow at Chelsea of 9,000 c.f.s., the amount of electrical energy to which the Commission is entitled hereunder shall during the period of such deficiency be reduced in the same percentage by which the stream flow available with storage capacity to the amount of 82,000,000,000 cubic feet would have fallen below the said minimum;

Provided that the storage reservoir or reservoirs mentioned in this sub-clause shall be the same and shall not be in addition to the storage reservoir or reservoirs mentioned in the contract between the Company and the Commission dated the 19th day of May, A.D. 1926;

1. (e) If at any time or times, however, the Commission anticipates a deficiency in stream flow below the said normal minimum regulated flow within the ensuing six (6) months' period, it may give to the Company written notice stating and certifying as facts that the Commission anticipates during the ensuing six (6) months such a deficiency in stream flow as would prevent the Company making full deliveries to the Commission throughout that period, that because and only because of such anticipated deficiency and of its desire to regulate its supply during the said period the Commission desires the Company to curtail its deliveries to the Commission at times during such period, specifying the weeks during which the Commission desires such curtailment made, and certifying the number of kilowatt hours which the Commission would require in each such week were it not for such anticipated deficiency, the number of kilowatt hours curtailment which the Commission desires in each such week, and the number of kilowatt hours which the Company is to deliver to the Commission in each such week under such curtailment programme. Such notice shall be delivered to the Company at least one clear week before the first week in which it requires curtailment. The Company shall thereupon reduce as therein required its deliveries to the Commission, and shall not be considered to have held available for the Commission in any week specified in such notice the kilowatt hours of curtailment specified in the notice, and the Commission shall be entitled to a reduction in its payments for such week in the ratio which the kilowatt hours of curtailment bear to full contract deliveries; if at the end of such six months' period it shall appear that there was in fact water available either from storage or precipitation or natural run-off for the supply of all or part of the kilowatt hours of curtailment then to the extent to which there was in fact water available as aforesaid to generate such kilowatt hours of curtailment, the Commission shall promptly make good with interest at six per cent. (6%) per annum the amount by which its payments have been reduced on account of such curtailment.

If the anticipated deficiency in fact occurs the Commission shall at all times during the six months' period specified in such notice be entitled to receive within the requirements imposed by the curtailment notices of the Commission and the provisions of sub-clause (b) of Clause 2 the full amount of the contract power and energy subject to sub-clause (d) of this Clause.

The Commission may at any time vary the curtailment specified in such notice for any week by giving the Company written notice of such modification at least seven days before the beginning of such week;

2. (a) The power delivered hereunder shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second and a pressure between phase wires of approximately one hundred and fourteen thousand (114,000) volts at the Interprovincial boundary at or near Ottawa; the Company shall maintain the generator voltage within 2%



of the generator voltage corresponding to the 114,000 volts at the said Interprovincial boundary; the power delivered hereunder shall be commercially continuous twenty-four hour power every day in the year except as provided herein; the Company shall install suitable and necessary works and equipment for such purposes including two transmission lines of three conductors each from the generating plant or plants of the Company to the points of delivery of a type and capacity approved by the Commission.

The Company at all times shall use its best endeavour to co-operate with the Commission by such means and to the extent it may consider proper to meet the requirements of the Commission in variation of the aforesaid voltage so as to furnish a voltage satisfactory to the Commission; when the maximum contract demand shall have been determined under this agreement the Company shall co-operate with the Commission to the end that power may be furnished to the Commission from a separate group of generating units and/or transforming units independent of (not in parallel with) any other system or from a source or sources of power independent of generating systems other than the generating systems of the Company on the Gatineau and Ottawa Rivers and their tributaries.

If the Commission gives notice in writing to the Company that it requires power to be supplied to it from separate equipment or from a separate group of generating units and/or transforming units as aforesaid and if the Company claims that for such purpose works and equipment are necessary in addition to the works and equipment of the Company then in existence or changes are thereby necessary in the said then existing works and equipment of the Company then the Company within six months of receipt of the said notice from the Commission shall give to the Commission full details of the additional works and equipment and/or changes which it alleges to be necessary together with an itemized statement showing in detail the estimated cost thereof. If upon the receipt of the said details the Commission agree with the proposals and approves of the extent and type of the additional works and equipment and/or changes as proposed by the Company, then the Company shall upon the request of the Commission proceed with the work and when completed the Commission shall pay one-half of the balance of the cost thereof remaining after deducting from the total such amount as may be agreed upon or determined as the salvage value and accrued depreciation on the equipment, plant or part thereof replaced in the then existing plant by reason of the said additional works, equipment and/or changes, but if the Commission and the Company do not agree as to the necessity for or desirability of the extent and type of additional works and equipment and/or changes as proposed by the Company the Commission may nevertheless request the Company to proceed with such additional works, equipment and/or changes, or such part thereof as the Company deems necessary to enable it to meet the requirements of the Commission under the notice as aforesaid, and in such case the Company shall thereafter as speedily as possible proceed with such additional works and equipment and/or changes, and in such case the Commission shall pay to the Company one-half of the balance of the cost thereof (remaining after deducting from the total such amount as may be agreed upon or determined as the salvage value and accrued depreciation of the equipment, plant or part thereof replaced in the then existing plant by reason of the said additional works and equipment and/or changes) as may under the terms of this Agreement be finally determined as having been necessary expenditures by the Company in order to enable it to comply with the said notice in writing as aforesaid.

If in order to furnish power to the Commission from separate equipment or independent sources as aforesaid it is necessary for the Company to allot a unit of equipment or group of units for such service when the normal capacity of the said unit or group together with the other units forming the group is greater than the then contract demand and the Company cannot alter or re-arrange the said unit or group the Company shall have the option (a) of requiring the Commission to increase the contract demand as provided in sub-clause (b) of Clause 1 to any amount up to that amount which shall require all the normal capacity of the said unit or groups with the other units forming the group or (b) of supplying power from the said unit or group both to the Commission

and also to other customers of the Company but not connected to (not in parallel with) other generating units to such an extent that the Commission's contract demand and the other loads will approximately equal the normal capacity of the said unit with the other units forming the group; the change in contract demand contemplated by this sub-clause (a) shall become effective even if thereby the maximum contract demand covering this Agreement as defined in sub-clause (b) of Clause 1 exceeds 100,000 horsepower; the excess of 10% provided for in sub-clause (e) of Clause 2 shall be over and above the contract demand as hereby changed.

2. (b) The Commission shall be entitled to the contract demand, up to a maximum weekly load factor of seventy per cent. (70%) thereof and no more; that is to say, that during each calendar week after October 1st, 1928, so long as this Agreement shall remain in force, the Commission shall be entitled, subject, to Clauses 3 (f), 5 (b) and 8, to receive such electrical energy as it shall require, not in excess of eighty-eight (88) kilowatt-hours for each horsepower of contract demand.

On Sundays and holidays, the Commission at the request of the Company, shall take not less than three (3) kilowatt-hours for each horsepower of contract demand. On Saturdays, the Commission, at the request of the Company, shall take not less than seven (7) kilowatt-hours for each horsepower of contract demand.

In the event of an increase in the contract demand occurring other than at the beginning of a calendar week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week.

2. (c) The maximum amount of electrical power and energy delivered by the Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five per cent. (85%) shall be eighty-five per cent. (85%) of the kilovolt amperes considered as true power or kilowatts, subject to the inadvertent taking under Clause 2 (d).

2. (d) It is understood and agreed that in the operation of extensive generation and transmission systems, consisting of several generating plants, in parallel, the control of the power and energy supplied from one system to another and the power factor thereof is to an extent within the control of the operators in the generating plants of the system from which the power and energy is supplied, and, in order to insure satisfactory operation in parallel with the other sources of supply of the Commission, it is agreed that the Company shall co-operate to the fullest extent, so far as normal operation of its Gatineau River generating and transforming systems and their interconnecting transmission systems will permit, with the Commission in controlling the power factor and the amount of power and energy delivered to the Commission by the Company hereunder.

The Commission on its part shall use its best efforts to keep its power demands on the Company's system within the contract demand and to maintain the power factor within the limits defined in Sub-clause (c) of this Clause 2 and will not intentionally permit its power demands to exceed the contract demand or the power factor to fall below 85%.

If by reason of such parallel operation, the Commission shall inadvertently receive electrical power from the Company at a lower power factor than herein provided, or in excess of the amount of the then contract demand, then the Commission shall not be subject to any charge hereunder for such excess taking of power and such excess taking shall not increase the contract demand as herein defined or increase the amount of the payment provided for in Sub-clause (b) of Clause 3 and shall not increase or affect; in any way, any obligation of, or impose any obligation upon the Commission hereunder; excepting that the Company shall forthwith notify the Commission of such excess and thereupon both parties shall exercise all skill and diligence so as to limit to the utmost such excess taking to a minimum amount and to the shortest possible period of time reasonably necessary for the proper adjustment of the load and power factor between the various generating plants;



2. (e) The Commission at any time or times, and otherwise than provided in Clause 2 (d) may, on notice in writing to the Company, take electrical power in excess of the then contract demand up to but not exceeding 10% in excess of the then contract demand; in each month in which any such excess is taken, the amount taken comprising both the then contract demand and such excess shall be deemed to be the contract demand for that month for all purposes under this Agreement; provided that the Commission shall in each year pay to the Company, as a minimum for not less than the equivalent of four months' taking of the said ten per cent. (10%) in excess of contract demand, whether any such excess is taken or not; provided, further, that except for the purposes of this Sub-clause nothing contained in this sub-clause shall affect the provisions of Sub-clauses (a) and (b) of Clause 1.

2. (f) If the Commission shall take in any week more kilowatt hours than it is entitled to take in such week, and the Company shall not in advance of such excess taking have filed with the Commission a protest against the same, then upon notice in writing from the Company, the Commission will adjust the matter by making a corresponding reduction in its takings in the next following week in which its requirements permit it to do so, and the Commission shall not be subject to any charge for such excess taking, or for any delay in making good the same. A protest from the Company for the purpose of this clause must be based upon a prior excess taking by the Commission and may not cover a period beyond the six months next following such excess taking. After receipt of such protest and during the period covered thereby, the Commission shall limit its weekly taking to the number of kilowatt-hours which it is entitled to take hereunder; always provided that the Company, so far as practicable, regulates the rate of delivery of power and the kilowatt-hours from time to time, as the Commission may direct.

2. (g) The Company shall be considered to have held available for the Commission in each week all the power and energy to which the Commission was entitled in that week unless the Company has failed so to do and the Commission complains forthwith of the Company's failure to have the power and energy available as aforesaid and within fourteen (14) days after the end of the week in which the failure occurs the Commission shall have given to the Company written notice of the complaint;

2. (h) The Commission and the Company will co-operate in respect of all matters of common interest, including plant and equipment, design, hydrology and storage, provided that the Commission and the Company shall each have the final decision and be responsible for its respective plants and properties. The Commission and the Company will also co-operate in respect of design and control, protective communication and other such features, as necessitate similar or co-ordinated equipment at the plants of each party. The Commission and the Company shall also install only first-class, modern equipment of such characteristics and type as are best suited for the service intended, and from time to time make such commercially reasonable changes in, or additions to, such equipment (other than major equipment), as will best serve the system as a whole. The Commission and the Company shall exercise all due skill and diligence, so as to secure the satisfactory operation as a system, of the plant, apparatus, and property of both the Commission and the Company.

3. The Commission agrees:

(a) To take from the Company all the electrical power and energy mentioned in Sub-clause (a) of Clause 1 at the times therein provided or at such earlier dates as may be required.

3. (b) To pay to the Company in monthly payments for the then contract demand at the following rates, namely:

- (1) For that part of the contract demand taken by the Commission at Ottawa as hereinafter provided which part shall not be less than approximately 25% of the contract demand at the rate of fifteen dollars (\$15.00) per horsepower per annum;
- (2) For the remainder of the contract demand at the rate of Fourteen Dollars and Seventy Cents (\$14.70) per horsepower per annum delivered as at Smith's Falls;



the said monthly payments shall be subject always to adjustments as in this Agreement provided;

The Commission agrees to make all payments to be made by it under this Agreement in lawful money of Canada or if demanded in gold of the present standard of weight and fineness in Canada, provided that if Canada suspends payment in gold then during the time of such suspension payments shall be made in lawful money of Canada, at such bank as the Company may designate in writing from time to time in the city of Toronto.

3. (c) To pay each said monthly payment to the Company after receipt of a bill therefor which shall be rendered by the Company to the Commission on the Tenth day of each month for the amount owing for the preceding month on or before the Twentieth day of the then current month; and all payments in arrears shall bear interest at the rate of Six per cent. (6%) per annum; provided, further, that if the Commission or the Company be entitled to any adjustment in respect of any such bill such adjustment shall be given effect to in the monthly payment next falling due.

3. (d) At all times to take and use the power and energy in such a manner that the current will be equally taken from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%), the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (e) To give to the Company notice in writing from time to time of all power and energy in excess of the then contract demand which the Commission desires from the Company and is entitled to under this agreement; provided that so long as the contract demand after increase by the said additional power and energy does not exceed sixty thousand horsepower (60,000 H.P.) the Company shall not be obliged to deliver the said additional power and energy until one year after the receipt of such notice if generating equipment in addition to the then existing generating plants or new hydro-electric development is required for the delivery of the said additional power and energy and for the provision of such a reserve as may be necessary for the next ensuing increase in minimum power to be held available under sub-clause (a) of Clause 1 or such lesser period as may be necessary to provide such equipment and/or development; provided further that when the contract demand after increase by the said additional power and energy exceeds sixty thousand horsepower (60,000 H.P.) the Company shall not be obliged to deliver the said additional power and energy until one year after the receipt of said notice if generating equipment in addition to the then generating equipment is required for the delivery of the said additional power and energy nor until two years after the receipt of said notice if new hydro-electric development is required for the delivery of the said additional power and energy or such lesser periods as may be necessary to provide such equipment and/or development.

Within one month after receipt of the said notice from the Commission the Company shall give to the Commission notice in writing stating when the Company will have available and be ready to deliver the power and energy mentioned in the Commission's notice.

If the Company shall give notice to the Commission as hereinbefore provided that the Company requires time to make the same available then the Commission during the interval may obtain the said power elsewhere.

All 60 cycle power purchased by the Commission to meet the Commission's requirements for the Commission's central Ontario, Rideau, St. Lawrence and Ottawa Systems other than power already contracted for, by or being supplied to the Commission shall be purchased from the Company until the contract demand under this agreement shall have reached 100,000 horsepower or shall have been fixed at a lesser amount on the First day of October, 1938; provided always that if the Company fails to have power available at the times provided and in accordance with the terms of this agreement then the Commission in addition to its other rights hereunder may purchase the said 60 cycle power elsewhere.

The Commission at any time may itself develop power.

3. (f) To give the Company from time to time, such information as it reasonably can regarding its expected requirements in kilowatt-hours from the Company, particularly as to any probable reduction in such requirements for any prospective period of light load. The intent of the parties in this Clause is so far as is possible by reasonable co-operation to provide for the most economic use of the Company's storage waters.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters, so arranged as to measure and record accurately the said power and energy.

4. (b) The weekly taking of energy shall be determined from the weekly readings of the said kilowatt-hour meters. The power delivered under this Agreement shall be that recorded by the above-mentioned polyphase recording demand meters and the demand shall be the greatest integrated demand for any twenty (20) consecutive minutes as determined from coincident readings of the meters used in the measurement of this power.

4. (c) The power and energy covered by this Agreement shall be kept available for delivery to the Commission and shall be delivered at two points of delivery in the Province of Ontario, namely, at the Western boundary of the City of Ottawa; and at the Northern boundary of the Town of Smiths Falls.

4. (d) The point of measurement for the power and energy supplied under this Agreement shall be at the generating plant or plants of the Company and/or at, or near the points of delivery by meters provided, installed and maintained by the Company.

Whenever the said measuring instruments are connected at other than the points of delivery, their readings shall be subject to a correction and shall be corrected to give readings such as would be obtained by instruments connected at the points of delivery; such correction shall be based, as far as possible, on actual tests made on the apparatus concerned, or on calculations, based on a certified test data to be in accordance with the standard rules of the American Institute of Electrical Engineers.

Readings from the said kilowatt-hour meters shall be taken daily at the same hour and recorded on forms provided by the owner of the meters. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the owner of the meters to the other party and such records shall be finally forwarded to the Commission and filed with the Commission, to be available for inspection of both parties at all reasonable times.

The Company will provide and maintain a suitable communication system between its plants and the points of delivery.

4. (e) Access to said instruments, transformers and other measuring equipment of either party shall be free to the other party at any and all times, and either party may test any such measuring equipment of the other party at any reasonable time in the presence of a Representative of the other party by giving to the other party seven (7) days' previous notice in writing of its desire to test such measuring equipment;

4. (f) The owner of the measuring instruments agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days. The other party hereto shall be advised at least five (5) days before the day of the test, so it may, if it so desire, have a representative present to witness and verify such test. At any time, the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, said meter or meters shall be jointly tested within five (5) days from the receipt by the Company of the said notice. If any meter shall be found on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected.

The Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time. During any time there is no meter in service, it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4. (g) The Commission may, from time to time at its option install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking the records obtained from the Company's measuring equipment or for any other purpose.

4. (h) Each party shall be responsible for any damage to property or apparatus furnished by the other party for the purpose of supplying or measuring power hereunder and installed on its property, providing such damage originates from a source external to said apparatus of the other party and is not due to defects in the apparatus of the other party.

4. (i) The kilowatts, kilovolt-amperes, kilowatt hours, or any other factors or quantities shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4, and the University of Toronto electrical standards shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) The maintenance by the Company of approximately the agreed voltage, at approximately the agreed frequency, as herein provided, together with the ability of the Company to meet the requirements of the Commission under this Agreement shall constitute the delivery of power involved in this Agreement, provided, however, that the provision in Clause 2 (a) as to 2% regulation of voltage shall apply only at the points of generation.

5. (b) In case the Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power, or any part thereof, by strikes, lock-outs, riots, fire, invasion, explosion, hurricane, flood, act of God or the King's enemies, then to the extent of such prevention, the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power as aforesaid and the Commission shall pay for the same.

5. (c) The Company shall have the right at reasonable times and when possible after due notice has been given to the Commission to discontinue or reduce to the extent necessary the supply of power to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming or transmitting equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible, arranged for at a time least objectionable to the Commission.

During such interruptions, the Commission shall be released from its obligations to pay for such power as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission.

6. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this agreement is generated, and to take and obtain records therefrom as required. Representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the power supplied under this Agreement.

7. If any dispute arise between the parties hereto relative to the fulfilment of any of the terms, provisos or conditions of this Agreement or as



to the method or accuracy of the measurement of power, or any other question which may arise under this Agreement, the same shall be referred to arbitration under the present Arbitration Act of the Province of Ontario, R.S.O. 1914, Chapter 65, and shall be determined under the laws of the Province of Ontario and the findings of the said arbitrator or arbitrators shall be final and binding on both parties hereto except that either party may appeal from an award of the arbitrators as provided in the said Arbitration Act, and that the right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited.

8. In case of failure of the Company to have available in any week the full amount of electrical energy (kilowatt-hours) to which the Commission is entitled in such week there shall be a proportionate reduction in the sums payable by the Commission to the Company at the end of the month in respect of such week, that is the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt-hours which the Company fails to have available bears to eighty-eight (88) times the then contract demand in horsepower.

In case of the failure of the Company during any period to have available the full amount of electrical power (horsepower) to which the Commission is entitled hereunder, there shall be a proportionate reduction in the sum payable by the Commission to the Company for such period, that is, the amount accrued due from the Commission to the Company during such period shall be reduced by a sum having the same ratio to such accrued amount as the average number of horsepower of electrical power which the Company fails to have available during such period bears to the then contract demand in horsepower; no reduction shall, however, be made in respect of inadvertent failure of less than an aggregate of twenty minutes in any one week; provided that if during the week including such period the load factor of the electrical energy delivered to the Commission exceeds seventy per cent. (70%) of the contract demand as reduced by such average number of horsepower of electrical power which the Company fails to have available throughout such week the Commission shall credit on the reduction a rateable payment for the excess kilowatt hours.

Provided further that in respect of any one week the Commission shall be entitled to only one reduction in the amount owing for such week, such reduction being either in respect of energy or in respect of power whichever reduction shall be greater.

In addition if any such failure of the Company be due to causes within its control (deficiency of stream flow or any interruption mentioned in Sub-clauses (b) and (c) of Clause 5 shall not be deemed to be within the control of the Company) the Company shall pay to the Commission as liquidated damages agreed and fixed upon beforehand a sum of money equal to one hundred per cent. (100%) of the reduction so made in the sums payable by the Commission to the Company.

If in any period of twelve months while this Agreement remains in force the Company fails for a total of twenty-six weeks to have available the full amount of electrical power and energy which is necessary to perform the Company's obligation under this contract then notwithstanding anything in this Agreement the Commission at its option, by notice in writing to the Company given not later than three months after termination of such period, may to the extent of the deficiency reduce the said contract demand and purchase electrical power and energy elsewhere.

In case any of the works of the Company are wholly or partly destroyed and rendered unfit for service so as to prevent the Company from fulfilling its obligations under this contract, or so as to materially interfere with the Company in fulfilling its obligations, and such conditions shall exist for a period of six months without the Company taking such steps as the Commission consider satisfactory to remedy the same, the Commission may, in case the disability is total, cancel this Agreement, or in case such disability is only partial, reduce the contract demand to the delivery of the amount of power which, in the opinion of the Commission, the Company is capable of delivering under the circumstances.

9. The Commission may pursue any or all of its remedies either concurrently or in the alternative and may treat as cumulative any or all

of its remedies hereunder. The Commission may waive any default under this Agreement but such waiver shall be limited to the particular instance and shall not affect the Commission's rights under this Agreement.

10. This Agreement shall be binding upon both parties hereto, upon its execution and shall continue in force for a period of forty years from the First day of October, 1928, and shall end on the Thirtieth day of September, 1968.

11. Each party shall be entitled at any time prior to thirty days after written notice given by the other party after the termination of this Agreement, to remove from the premises of the other party any and all plant, apparatus and equipment which may have been installed by it for the supply or measurement of power hereunder.

12. The Commission agrees to observe strictly, all Quebec and other laws affecting the exportation outside of Canada of the electrical power and energy supplied by the Company to the Commission under this Agreement.

13. The rates to be paid and payments to be made by the Commission, as set out in sub-clause (b) of Clause 3, shall, subject to the provisions of this Agreement include all compensation to the Company for all taxes, rentals, licenses, fees and charges that may be levied, assessed or imposed by Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof. If, however, while this Agreement shall continue in force (1) any Dominion or Provincial taxes or charges not now in existence should be created, or any now existing be increased, or (2) the rentals or royalties which are payable, be increased in such manner as to increase the cost to the Company by reason of these items of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and any such case, an increase shall be made in the payments by the Commission to the Company hereunder which shall after crediting any reduction in any of such items exactly compensate the Company for the increase thereby occasioned in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission under this Agreement; provided that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed a tax for the purposes of this Clause and the liabilities and obligations of the Commission shall not be in any way increased thereby but the same shall be borne by the Company.

The recently authorized educational tax of the Province of Quebec not yet promulgated is not considered as now in existence.

14. The transmission lines and equipment in Ontario constructed or used by the Company for the purpose of delivering electrical energy under this Agreement shall be used solely for the said purpose and no electrical power or energy shall be transmitted or sold by means of the said lines and equipment except to the Commission.

15. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may, from time to time, file with the other. The parties agree each to maintain its address on file with the other.

In witness whereof the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

I.B.L.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

Approved:  
GEO. H. KILMER.  
G. T. CLARKSON.  
F. A. GABY.

(Sgd.) C. A. MAGRATH,  
*Chairman.* Corporate Seal of  
the Commission.

(Sgd.) W. W. POPE,  
*Secretary.*

GATINEAU POWER COMPANY.  
(Sgd.) A. R. GRAUSTEIN,  
*President.*

(Sgd.) F. C. SIMONS,  
*Secretary.*

This Indenture dated the 28th day of December, A.D. 1927.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called "the Commission,"

of the First Part;

—and—

GATINEAU POWER COMPANY, hereinafter called "the  
Company,"

of the Second Part.,

Whereas by an Agreement bearing date the 28th day of December A.D. 1927 (hereinafter called the "contract") the Company agreed to deliver to the Commission, electrical power and energy for the price and on the terms therein set forth, and it has been agreed between the parties to vary certain provisions of the said Agreement and to add certain provisions thereto as hereinafter set forth.

Now it is hereby agreed:—

1. That the point of delivery of the electrical power and energy which the Company by the said contract agrees to deliver to the Commission shall be at a point on the interprovincial boundary between the Provinces of Ontario and Quebec between Remic Rapids and Lake Deschenes.

2. That the price or rate to be paid by the Commission to the Company for all electrical power and energy delivered to the Commission thereunder shall be according to the following schedule:

\$14.55 per horsepower per annum until such time as the contract demand (not including the excess power under sub-clause (e) of Clause 2 of the said agreement reaches Eighty thousand horsepower (80,000 H.P.).

\$14.50 per horsepower per annum from the time when such contract demand (not including the excess power under sub-clause (e) of Clause 2 of the said agreement) reaches Eighty thousand horsepower (80,000 H.P.) until it reaches one hundred thousand horsepower (100,000 H.P.).

\$14.45 per horsepower per annum from the time the contract demand (not including the excess power under sub-clause (e) of Clause 2 of the said agreement) reaches one hundred thousand horsepower (100,000 H.P.) to the end of the contract.

In addition thereto the Commission shall pay to the Company Thirty cents (30c) per horsepower per annum for all of the said electrical power or energy taken by the Commission at or near the Western boundary of the City of Ottawa, in the County of Carleton; Further, the Commission agrees that it will take at or near the Western boundary of the City of Ottawa not less than twenty-five per cent. (25%) of the contract demand under the said contract, and to the extent that the power and energy taken by the Commission at or near the Western boundary of the said City of Ottawa shall be less than twenty-five per cent. (25%) of the contract demand the Commission shall pay to the Company thirty cents (30c) per horsepower per annum on the amount of such deficiency. The rates hereby fixed are in lieu of the rates provided to be paid in and by the said contract and constitute an exact and agreed equivalent of the said rates having regard to the variation in the said contract hereby made.

3. The power and energy delivered under the said contract as hereby varied shall be measured as at the said interprovincial boundary.



4. The Company shall pay to the Commission the sum of Thirty Thousand Dollars (\$30,000.00) per annum payable monthly during the period of five years from the 1st day of October, 1928, or until the construction by the Commission of a second circuit or transmission line for the transmission of the said power and energy by the Commission within the Province of Ontario, whichever shall be the later date, and thereafter shall pay to the Commission the sum of Sixty Thousand Dollars (\$60,000.00) per annum payable monthly during the remainder of the period of forty years from the 1st day of October, 1928, mentioned in the said contract; such monthly payments shall be made on the 20th day of each month commencing with the 20th day of November, 1928, and the last payment on the 20th day of October, 1968; And the Company shall be relieved of all obligations under the said contract for the construction, maintenance and operation of transmission lines and communication systems within the Province of Ontario under the said contract. The Commission shall complete the first circuit or transmission line on or before the 1st day of October, 1928.

5. In case the Commission shall desire to renew the said contract as hereby amended and shall give to the Company notice of intention to renew the said contract at least five years prior to the 1st day of October, 1968, and shall pay to the Company the sum of Five Thousand Dollars (\$5,000), the Company shall renew the said contract upon the same terms as provided in the said contract as amended hereby (except as hereinafter provided and) except as to rates for power for such period or periods not exceeding forty years in all as the Company may at the time of such notice or at any time or times thereafter be entitled to generate electric power and energy from the power developments from which the power and energy shall have been supplied under the said contract; said rates for power and energy shall unless the parties agree be determined by arbitration in the same manner as is provided by the said contract for the determination of disputes thereunder.

The said contract if renewed shall not include any obligation upon the Company to pay any sums whatever as provided in paragraph 4 hereof.

6. The Company shall with this Agreement deliver to the Commission the undertaking of the Canadian Hydro Electric Corporation, Limited, for the due performance of this Agreement and the said contract by the Company which undertaking shall be in the following form:

Hydro-Electric Power Commission of Ontario,  
190 University Avenue,  
Toronto, Ontario.

Dear Sirs:

We hand you herewith an agreement between you and Gatineau Power Company and supplementary agreement.

1. Gatineau Power Company will perform its obligation under the said agreements and in default thereof we will perform the obligations under the said agreements; provided that you and Gatineau Power Company may alter and vary the terms of the said agreements, or dispense with one or more of them, and that you may in your discretion at any time or times take and receive from Gatineau Power Company any security whatsoever and grant any extension of time thereon or on any liability of Gatineau Power Company; and provided further that neither we nor Gatineau Power Company shall be released from any liability hereunder, or any such liability in any way affected by any such alteration or variation in or dispensing with any of the said agreements, or by such taking or receiving of security, or extension of time, or by any dealing or transaction or forbearance which may take place between you and Gatineau Power Company; and you shall not be required to give us any notice thereof or of any default by Gatineau Power Company.

2. We will substitute a more formal guarantee for this guarantee if you so request.

It is understood that our liability hereunder will terminate and you will give us a formal discharge hereunder whenever the ability of Gatineau Power Company to discharge its obligations under the said agreements has

been demonstrated to your satisfaction or the fulfilment of the agreements by the Company has been otherwise secured or guaranteed to your satisfaction.

Yours very truly,

CANADIAN HYDRO ELECTRIC CORPORATION, LIMITED

.....  
*President.*

.....  
*Secretary.*

Accepted and agreed to.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO

.....  
*Chairman.*

.....  
*Secretary.*

7. The Company shall not be liable for any partial or total failure to deliver electrical power or energy under the said contract as hereby amended which is wholly due to the act of the Province of Quebec.

In witness whereof, the parties hereto have caused this Agreement to be executed under their corporate seals and the hands of their duly authorized officers.

"I.B.L."

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

"C. A. MAGRATH,"  
*Chairman.*

"W. W. POPE,"  
*Secretary.*

GATINEAU POWER COMPANY.

"A. R. GRAUSTEIN,"  
*President.*

"F. G. SIMONS,"  
*Secretary.*

Corporate Seal  
of Commission.

Corporate Seal  
of Company.

"Approved

"GEO. H. KILMER"

"G. T. CLARKSON"

"F. A. GABY"

"G.G.G.

"J.L.M. (6 sheets)"

"Approved

"G.T."

## SCHEDULE "C"

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION

—AND THE—

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY

1. AGREEMENT, AS OF 29TH OF NOVEMBER, 1929.

## 1

This Indenture made in duplicate this twenty-ninth day of November, A.D. 1929.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission,"

Of the First Part;

—and—

BEAUHARNOIS LIGHT, HEAT AND POWER COMPANY,  
a Quebec Corporation, hereinafter called the "Company,"

Of the Second Part.

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1927, Chapter 57, and Amendments thereto, is authorized to enter into an Agreement for a supply of electrical power and energy to the Commission;

And whereas the Company is duly incorporated by Statutes of the Legislature of the Province of Quebec, for the purpose of the production and sale of electrical power and energy and is prepared to sell and deliver electrical power and energy to the Commission;

Now therefore this Indenture witnesseth that for the considerations herein contained, the Parties hereto covenant, promise and agree as follows:

## 1. The Company Agrees:—

(a) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1932, and thereafter so long as this Agreement shall continue in force, Thirty-five Thousand Horsepower (35,000 H.P.) of electrical power and energy on the conditions herein contained; Thirty-five Thousand Horsepower (35,000 H.P.) shall be the contract demand until such contract demand is increased, as provided in sub-clause (b) next following:

1. (b) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1933, and thereafter so long as this Agreement shall continue in force, an additional Forty Thousand Horsepower (40,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of Seventy-five Thousand Horsepower (75,000 H.P.) until such contract demand is increased, as provided in sub-clause (c) next following:

1. (c) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1934, and thereafter so long as this Agreement shall continue in force, an additional Fifty-four Thousand Horsepower (54,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of One Hundred and Twenty-nine Thousand Horsepower (129,000 H.P.) until such contract demand is increased, as provided in sub-clause (d) next following:



1. (d) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1935, and thereafter so long as this Agreement shall continue in force, an additional Sixty-seven Thousand Horsepower (67,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of One Hundred and ninety-six Thousand Horsepower (196,000 H.P.) until such contract demand is increased as provided in sub-clause (e) next following:

1. (e) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, commencing on the First day of October, 1936, and thereafter so long as this Agreement shall continue in force, an additional Fifty-four Thousand Horsepower (54,000 H.P.) of electrical power and energy on the conditions herein contained, making a total contract demand of Two Hundred and Fifty Thousand Horsepower (250,000 H.P.), which shall constitute the maximum contract demand under this Agreement.

1. (f) In the event of the diversion of water by the Company being measured not by maximum, but by daily average, or otherwise, then to deliver to the Commission, whenever required by the Commission, subject to Clause 2 and Clause 5, electrical power to the extent that such average or other method of measurement will permit, but only pro rata to the total power developed by the Company at Beauharnois Station up to a maximum of Fifteen per cent (15 %) over the then contract demand without increasing the then contract demand, or without increasing the obligation of the Company to install spare equipment specified in Clause 1 (g), or any obligation of the Commission to pay under this Agreement.

1. (g) To install at its Beauharnois Power Development, sufficient equipment and spare equipment to insure fulfilment at all times of the terms of this Agreement, and for this purpose the Company shall provide excess or spare capacity, so that at all times the ratio of total capacity to contract demand shall be not less than One Hundred and Fifteen per cent. (115 %).

2. (a) The power and energy delivered hereunder shall be alternating, three-phase, having a controlled average periodicity of twenty-five (25) cycles per second, and a pressure between phase wires not exceeding the commercial maximum voltage of approximately Two Hundred and Forty Thousand Volts (240,000 V.) subject to a reduction from time to time as the Commission may direct of not over Fifteen per cent. (15 %) from the determined maximum voltage, and the equipment and apparatus installed by the Company in its Plants shall be suitable for operation to maintain this condition; the Company shall maintain under normal operating conditions, the generator voltage within Two per cent. (2 %) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid, and shall install suitable equipment and apparatus for such purposes.

2. (b) Whenever the Commission shall require, from time to time, the Company shall increase or decrease the voltage and frequency of its Plant or Plants, within safe operating limits of the then existing equipment of such Plant or Plants to the extent required by the Commission, in order to insure operation satisfactory to the Commission in parallel with the other sources of supply. It is understood and agreed that in operation of Plants in parallel, the control of power factor and delivery of power in any generating Plant, is, to a large extent within the control of the operators in that Plant, and the Company agrees, so far as it can do so with its equipment installed, to operate its Plant so as to maintain power factor at its point of measurement to the Commission, and, also the delivery of power within the limits directed by the Commission, from time to time, provided that by so doing, it shall, if, and to the extent necessary, be relieved from its obligations as to voltage and frequency regulation specified in Clause 2 (a):

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of Eighty-five per cent. (85%) thereof, and no more; that is to say, that during each week after October 1st, 1932, so long as this Agreement shall remain in force, the Commission shall be entitled, subject to the provisions of Clause 5, to receive such electrical

energy as it shall require not in excess of One Hundred and Six and Fifty-three Hundredths Kilowatt-hours (106.53 kw.h.) for each horsepower of contract demand.

On Sundays and holidays the Commission, at the request of the Company, shall take not less than Three (3) Kilowatt-hours for each horsepower of contract demand; On Saturdays the Commission, at the request of the Company, shall take not less than Seven (7) Kilowatt-hours for each horsepower of contract demand.

In the event of any change in the contract demand occurring other than at the beginning of a week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week.

A week for the purposes of this Agreement shall commence at such time during the calendar week as the Commission shall give notice in writing to the Company.

2. (d) The maximum amount of the electrical power or energy delivered by the Company at any time when the ratio of the kilowatts to the kilovolt amperes is less than Eighty-five per cent. (85%), shall be Eighty-five per cent. (85%) of the kilovolt amperes considered as true power or kilowatts.

2. (e) In the application of the provisions of this Agreement, the Company shall be entitled to the same credit for horsepower and kilowatt-hours held available for the Commission, but not taken by the Commission, as if the same had been taken by the Commission, and except as provided in Clause 5, no failure by the Commission to provide the necessary transmission and other facilities to receive such power, and no failure to use the same, shall relieve the Commission from any of its obligations to make the full amount of payment herein specified to be made by it. For all purposes of this Agreement, the Company shall be considered to have held available for the Commission in each week, all the horsepower and kilowatt-hours to which the Commission was entitled in that week, unless the Company fails to have available the power which the Commission is entitled to and asks for under the provisions of this Agreement and the Commission complains of such failure at the time, and unless within Fourteen (14) days, or other time agreed upon, after the end of that week, the Commission shall have given to the Company written notice of the fact and approximate amount of the deficiency.

2. (f) If the Commission shall inadvertently take in any week, more kilowatt-hours than it is entitled to take in such week, the Commission will, upon request from the Company, adjust the matter by making a corresponding reduction in its takings in the next following three week period thereafter; always provided that the Company, so far as practicable, regulates the rate of delivery of power and the kilowatt-hours from time to time as the Commission may direct, as provided herein. But if, after receipt of such request from the Company, the Commission shall not during such three week period make good such excess taking and correspondingly reduce its takings during such three week period, then the Commission shall pay the Company for any excess energy so taken and not made good, as aforesaid, at twice the contract kilowatt-hour rate, which rate is a penalty rate and is not to be considered as giving the Commission the right to take intentionally excess energy.

2. (g) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the systems involved, it is necessary that the Commission and the Company co-operate.

The Commission and the Company will co-operate in respect of all matters of common interest, including without limiting the generality of the foregoing, design of plant and equipment, and design of control, protective communication and other features, which necessitate similar or co-ordinated equipment.



The Commission and the Company shall install only first-class modern equipment, of such characteristics and type as are best suited for the service intended, and shall, from time to time, make such commercially reasonable changes in, or additions to said equipment (other than major equipment) as will best serve to maintain the system as a whole, in accordance with good practice in the art as developed from time to time.

The Commission and the Company shall each be entitled to the final decision in respect of the design of its own plant and property, other than such features thereof as necessitate similar or co-ordinated equipment at the plant of each party as aforesaid; in the event of the Commission or the Company exercising such right of final decision, then the Commission or the Company, as the case may be, shall be responsible for the suitability for the purpose intended of plant or equipment constructed according to the design selected by it.

The Commission and the Company shall exercise all due skill and diligence, so as to secure the satisfactory operation as a system of the plant, apparatus and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of the high voltage specified and length of lines contemplated.

### 3. The Commission Agrees:

(a) To pay to the Company, in monthly payments for all power and energy under this Agreement, at the rate of Fifteen Dollars (\$15.00) per annum per horsepower of the contract demand, as follows:—

Forty-three Thousand Seven Hundred and Fifty Dollars (\$43,750.00) per month from 1st October, 1932, until 1st October, 1933;

Ninety three Thousand Seven Hundred and Fifty Dollars (\$93,750.00) per month from 1st October, 1933, to 1st October, 1934;

One Hundred and Sixty-one Thousand Two Hundred and Fifty Dollars (\$161,250.00) per month from 1st October, 1934, to 1st October, 1935;

Two Hundred and Forty-five Thousand Dollars (\$245,000.00) per month from 1st October, 1935, to 1st October, 1936;

Three Hundred and Twelve Thousand Five Hundred Dollars (\$312,500.00) per month, from 1st October, 1936, and thereafter so long as this Agreement shall continue in force.

The amount of Dollars per month is obtained by multiplying the amount of the then contract demand, as determined in Clause 1 hereof, by one and one-quarter ( $1\frac{1}{4}$ ); the said monthly payments being subject always to adjustment, as in this Agreement provided.

3. (b) To make all the payments to be made by it under this Agreement in lawful money of Canada, by depositing the same to the credit of the Company at such Bank or other place in the City of Toronto, in the Province of Ontario, as the Company may, from time to time, designate, and to pay the said monthly payments to the Company on the Twentieth day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the tenth day of the month, provided that, if any bill remains unpaid on the Twentieth of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment, and all payments in arrears shall bear interest at the rate of six per cent. (6%) per annum; provided, further, that if the Commission or the Company be entitled to any adjustment in respect of any such payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment; every such adjustment shall include interest at the said rate of six per

cent. (6%) per annum on the amount allowed from the twentieth day of the month in respect to which such adjustment is allowed.

3. (c) At all times to take and use the electrical power in such manner that the current will be equally taken from the three phases, and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%) the Commission upon instructions from the Company shall so adjust its load as to comply with these requirements.

3. (d) At all times to take and use the power and energy set out in Clauses 1 (a), 1 (b), 1 (c), 1 (d), 1 (e) and 1 (f) hereof so as not to exceed the weekly takings, as specified in Clause 2 (c) herein.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters satisfactory to the Commission provided and installed by the Company, and so arranged as to measure and record accurately the said power and energy respectively. Readings from the said kilowatt-hour meters shall be taken daily at the same hour, and recorded by the Company on forms supplied by the Commission. Records from the said recording demand meters and the said integrating kilowatt-hour meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The power delivered and the demand in horsepower or either of them for the purpose of this Agreement shall be the integrated amount of power for twenty (20) consecutive minutes as determined from coincident readings of the above mentioned polyphase recording demand meters, provided that nothing in this sub-clause shall be construed as increasing any obligation of the Company under Clause 1 or the obligation of the Commission to pay under this Agreement.

4. (c) The weekly taking of the energy shall be determined from the weekly readings of the said integrating kilowatt-hour meters.

4. (d) The power and energy covered by this Agreement shall be delivered at approximately two hundred and forty thousand volts (240,000 V.), subject to Clause 2 as hereinbefore mentioned at the boundary between the Provinces of Ontario and Quebec, not further than five miles from Lake St. Francis, and the Company shall install the suitable and necessary transformers and transmission lines with circuits all of a number, type and capacity approved by the Commission. All electrical power and energy supplied under this Agreement shall be measured at the two hundred and forty thousand (240,000) volt step-up transformers at the Company's Beauharnois Station on the generator voltage side thereof, and no adjustment of such measurement shall be made for the loss in single step transformation from generator to transmission voltage (approximately 240,000 volts) nor for transmission loss to the point of delivery; the said transformer loss and said transmission loss at the said voltage from the transformer station to the point of delivery having already been allowed for, provided that if for any reason the measuring instruments are connected at other than the said point their readings shall be subject to a correction and shall be corrected to give results such as would be obtained by instruments connected at the said point.

The Company will provide a suitable communication system between its plants and the point of delivery.

4. (e) Access to said measuring instruments and transformers belonging to the Company shall be free to the Commission at any and all times, and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days' previous notice in writing of its desire to test such measuring instruments.

4. (f) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy here-

under shall be provided, installed and maintained by the Company satisfactory to the Commission.

The Company agrees to test each meter installed by it to measure the electric power and energy or either of them contracted for hereunder at least once in each sixty (60) days; the Commission shall be advised at least five (5) days before the day of the test so it may, if it so desires, have a representative present to witness and verify such test; at any time the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, such meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice; if any meter shall be found on regular or special test to be inaccurate, it shall be promptly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; the Company shall repair and replace or retest defective meters or measuring equipment within a reasonable time; during any time there is no meter in service it shall be assumed that the energy consumed is the same as for the other days of the same month on which a similar load existed.

4. (g) The Commission may, from time to time at its option, install duplicate measuring equipment including necessary current and potential transformers at the points of measurement for the purpose of checking records obtained from the Company's measuring equipment or for any other purpose.

4. (h) The Company shall be responsible for any damage to property or apparatus furnished by the Commission for the purpose of supplying or measuring power or energy hereunder, and installed on the Company's property, provided such damage originates from a source external to the said apparatus of the Commission and is not due to defects in the apparatus of the Commission.

4. (i) The kilowatts, kilovolt amperes, kilowatt-hours and all other factors and quantities or any of them, shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4, and the standards of the University of Toronto or of the recognized national authority, if there be such generally accepted, shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) Subject to the direction of the Commission, as provided in Clause 2, the maintenance by the Company of approximately the agreed voltage at the agreed frequency at the point of delivery, together with the ability of the Company to meet the requirements of the Commission under this Agreement shall constitute the delivery of power and energy involved in this Agreement.

5. (b) In case the Company shall at any time or times be prevented from delivering, or the Commission from receiving the said power and energy; or either of them, or any part thereof, by strikes, riots, fire, invasion explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them or either of them, then to the extent of such prevention the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power and energy during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus) and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power and energy, as aforesaid and the Commission shall pay for the same.

5. (c) The Company shall have the right at reasonable times and when possible, after due notice has been given to the Commission, to discontinue or reduce to the extent necessary, the supply of power and energy to the Commission for the purpose of safeguarding life or property or for the purpose of making repairs, renewals, or replacements to the generating, transforming or transmitting equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible, arranged for at times least objectionable to the Commission.



During such interruptions or reductions, the Commission shall be released from its obligations to pay for such power and energy, or either of them, as the Commission is entitled to receive, and the Company fails to deliver, or to hold available for the Commission.

5. (d) In case of the failure of the Company in any week to have available, as set forth in Clauses 1 and 2, the full amount of electrical power and energy to which the Commission is entitled hereunder in such week, there shall be a proportionate reduction in the sums payable by the Commission to the Company in respect of such week.

5. (e) The amount of reduction in the sums payable by the Commission to the Company for any week, or the amount which under Sub-clauses (b), (c) or (d) of this Clause 5, the Commission is not required to pay to the Company in any week shall be calculated in the following manner:

For energy, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt-hours which the Company fails to have available as aforesaid bears to 106.53 times the then contract demand in horsepower.

For power, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the deficiency (that is, the average number of horsepower of electrical power which the Company fails to have available) averaged for the week bears to the then contract demand in horsepower, the said deficiency shall be determined as follows: For each total or partial interruption the average amount of deficiency below the contract demand shall be taken and then all the deficiencies both as to amount and length of time shall be averaged for the week in proportion to the total hours for the week, that is, the said deficiency shall be the sum total of all deficiencies during the week in horsepower hours divided by the total number of hours in the week.

All such reductions shall be adjusted on the monthly bills in each case for the full weekly periods terminating within the month for which the adjustment is made; provided that if, during the week including such period, the load factor of the electrical energy delivered to the Commission exceeds eighty-five per cent. (85%) of the contract demand (as reduced by such average number of horsepower of electrical power which the Company fails to have available when required by the Commission throughout such week), the Commission shall credit on the reduction, a rateable payment for the excess kilowatt-hours; the Commission shall be entitled to only one reduction in respect of any one failure, such reduction being either in respect of energy or in respect of power, whichever shall be the greater.

No reduction shall be made for power in respect of inadvertent failure of less than an aggregate of twenty minutes in any one week.

5. (f) If any failure of the Company is due to causes within its control (and without limiting the generality of the foregoing words, financial difficulties of the Company shall be deemed to be included therein), the Company, in addition to the reductions under Clause 5, shall pay to the Commission as liquidated damages in respect of every such failure occurring during the first fifteen (15) years after the commencement date, a sum equal to fifty per cent. (50%) of the reduction made in the sums payable by the Commission to the Company, as set out in Clause 3, and thereafter, a sum equal to one hundred per cent. (100%) thereof, which liquidated damages shall be in addition to said reductions. Provided, however, that deficiency in stream flow or any interruption under Clauses (5 (b) or 5 (c) shall not be included in the term "causes within its control," as used in this paragraph.

6. One or more Representatives or Engineers of the Commission designated for this purpose, may, at any reasonable time during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power development at which the power supplied under this Agreement is generated and to take and obtain records therefrom as required. Representatives of the Company shall have similar rights in respect of the premises, apparatus,

plants, property and electrical and hydraulic records of the Commission, pertaining to the power supplied under this Agreement.

7. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained or hereby provided for or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to two arbitrators, one to be appointed by each party to the difference, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario, 1927, chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario. The award of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively but either may appeal from the award, and the right to appeal to the Supreme Court of Canada and to the Judicial Committee of the Privy Council shall not be limited by anything herein contained.

8. This Agreement is made subject to the terms of the Company's Emphyteutic Lease of the 23rd June, 1928, from the Government of the Province of Quebec, particularly the provisions of Clause 22 thereof relating to the export of power to the United States, which provisions shall be complied with by the Commission and may be enforced by the Company.

9. The rates to be paid and the payments to be made by the Commission for power as set forth in Clause 3 shall, subject to the provisions of this Agreement, include all compensation to the Company for all taxes, rentals, royalties, licenses, fees and charges that may be levied, assessed or imposed by Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement or any part thereof; if, however, while this Agreement shall continue in force, (a) any Dominion or Provincial (but not Municipal) taxes or similar levies not now in existence be created or any now existing be increased, or (b) any Dominion or Provincial rentals or royalties or similar charges for the use of water not now in existence be created or any now existing be increased, in such a manner as to increase the cost to the Company, by reason of these items, of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and any such case, an increase shall be made in the payments by the Commission to the Company hereunder, which shall, after crediting any reduction in any such items, exactly compensate the Company for the increase thereby occasioned, in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission hereunder; provided that in the event of any reduction in any such items the said increase in the payments by the Commission shall be reduced accordingly but not exceeding the total of the increase then in effect; provided that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed a tax for the purpose of this Clause, and the liabilities and obligations of the Commission shall not be in any way increased thereby but the same shall be borne by the Company; the recently authorized educational tax of the Province of Quebec not yet promulgated is not considered as now in existence.

10. This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force until the expiry of a period of forty (40) years, which period shall begin on the first day of October, 1932.

This Agreement may be extended for a further term of forty (40) years upon mutual agreement of the parties hereto.

11. The Commission shall be entitled at any time prior to the expiration of thirty (30) days notice in writing, from the Company, delivered after the termination of this Agreement and the last extension thereof, to remove from the premises of the Company any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.



12. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may from time to time file with the other; the parties agree each to maintain its address on file with the other.

13. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

14. The Company covenants and agrees with the Commission that if at any time hereafter during the continuance of this Agreement the Company should mortgage, hypothecate or charge any of its rights or immovable property which are necessary for the development of power or energy, or any part of such property or rights, to secure bonds or debentures or other securities of like nature, any such mortgage, hypothecation or charge shall be expressly made subject to all covenants, agreements and obligations on the part of the Company in this Agreement contained and shall provide that any sale of the property or rights so mortgaged, or any part thereof, under the provisions of such mortgage shall be made subject to the obligations of the Company in this Agreement contained, and that the mortgaged premises shall not be sold except to a purchaser who shall covenant and agree with the Commission to assume and perform the obligations of the Company in this Agreement contained and in all respects succeed to the position of the Company hereunder; and it is agreed that all the said provisions shall be conditions of every contract mortgaging, hypothecating or charging the immovable property or rights of the Company which are necessary for the development of power or energy, or any part of such property or rights, and shall be expressed therein as stipulations in favour and for the benefit of the Commission.

The Company further covenants and agrees with the Commission that it will not, except by way of mortgage, hypothecation or charge, assign its emphyteutic lease of the 23rd June, 1928, from the Government of the Province of Quebec, or transfer any of its plant or immovable property necessary to the development of power or energy except to an assignee or transferee who shall covenant and agree with the Commission to assume and perform the obligations of the Company in this Agreement contained and in all respects succeed to the position of the Company hereunder.

In witness whereof the Commission and the Company have caused this Agreement to be executed under their respective Corporate Seals and the hands of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

In the presence of

W. G. H.

L. C. C.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,

Chairman.

(Seal)

Hydro-Electric  
Power Commission  
of Ontario.

(Sgd.) W. W. POPE,

*Secretary.*

BEAUHARNOIS LIGHT, HEAT AND  
POWER COMPANY.

(Sgd.) R. O. SWEEZEY,

*President.*

(Seal)

Beauharnois Light,  
Heat and Power  
Company.

Incorporated 1902

(Sgd.) HUGH B. GRIFFITH,

Secretary.

## SCHEDULE "D"

BETWEEN:

THE ONTARIO HYDRO-ELECTRIC POWER COMMISSION

—AND—

CHATS FALLS POWER COMPANY

ALSO KNOWN AS OTTAWA VALLEY POWER COMPANY

1. AGREEMENT, AS OF THE 15TH OF FEBRUARY, 1930, POWER CONTRACT.
2. AGREEMENT, AS OF THE 24TH OF FEBRUARY, 1930, OPERATING AGREEMENT.

## 1

This Agreement made in duplicate,  
 the 15th day of February, A.D. 1930 W.W.P.  
 E.R.P.  
 M.M.C.  
 A.G.M.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
 hereinafter called the "Commission"

of the first part.

—and—

CHATS FALLS POWER COMPANY, a Quebec Corporation,  
 hereinafter called the "Company"

of the second part

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1927, Chapter 57, and amendments thereto, is authorized to enter into an agreement for a supply of electrical power and energy to the Commission;

And whereas the Company is duly incorporated under the laws of the Province of Quebec with power to produce and sell electrical power and energy;

And whereas the Commission subject to the terms of a lease from the Government of the Province of Ontario is the holder of certain rights for the development of power by and with the use of the waters of the Ottawa River at Chats Falls within the Province of Ontario;

And whereas the Company under and subject to the terms of an Emphyteutic Lease from the Government of the Province of Quebec and by freehold holds all the water power at Chats Falls on the Ottawa River within the Province of Quebec subject to the terms of the said lease and the payment of rental and Royalty except in respect of fifteen thousand horsepower (15,000 H.P.) which the Company holds in freehold as set out in the said lease which is for a term of seventy-five (75) years from the first day of March, A.D. 1926, and was made before Maitre Arthur E. Simard, Notary, of the City of Quebec, on the 22nd day of June, A.D. 1926, under Number 2359.

And whereas the Commission and the Company as owners of the rights aforesaid are co-operating in the joint development of all power available from and with the use of the waters of the Ottawa River at Chats Falls on such Ottawa River within both the Province of Ontario and the Province of Quebec, and have also agreed that the Commission and the Company are each as between themselves entitled to the use of one-half of all waters

within the said Provinces which are available or which may hereafter become available for power purposes at Chats Falls on the said Ottawa River.

And whereas the Company is willing on the conditions herein contained to sell and deliver to the Commission all the electrical power and energy which it is entitled to produce from its share of the water as aforesaid and to enter into this Agreement in respect thereto; Subject to withdrawal of any such power and energy for use in the Province of Quebec as provided in the said Emphyteutic Lease and in this Agreement;

Now therefore this Indenture witnesseth that for the considerations herein contained the Parties hereto covenant, promise and agree as follows:

1. The Company agrees:

1. (a) To keep available for delivery to the Commission and to deliver to the Commission when and as required by the Commission on the conditions herein contained at the point of delivery hereinafter mentioned, ninety-six thousand horsepower (96,000 H.P.) of electrical power and energy in two blocks of forty-eight thousand horsepower (48,000 H.P.) each, commencing for the first block on the first day of October, A.D. 1931, hereinafter called the "commencement date," and for the second block on the first day of October, A.D. 1932, and continuing in each case so long as this Agreement shall remain in force, which first block of forty-eight thousand horsepower (48,000 H.P.) shall be the contract demand up to the said first day of October, A.D. 1932, and thereafter the said amount of ninety-six thousand horsepower (96,000 H.P.) shall be the contract demand until such contract demand is increased, as provided in Sub-clause (b) of this Clause 1; the horsepower comprising the contract demand from time to time shall be measured as provided in Clause 4 (b).

1. (b) Whenever from time to time the stream flow of the Ottawa River at Chats Falls proves sufficient for the development of more than one hundred and ninety-two thousand horsepower (192,000 H.P.) on the conditions herein contained whether by reason of the installation of additional storage facilities, more efficient operation of the same, increase in head or from any other cause whatsoever, then to keep available for the Commission and deliver to the Commission when and as required by the Commission and on the same conditions and at the same point of delivery all the electrical power and energy beyond the then contract demand which can be produced from the Company's half of the increased amount of water as shall be agreed upon between the Parties as capable of development, and the contract demand shall be correspondingly increased when the said power is available for delivery.

1. (c) To instal equipment having a total rated capacity of one hundred and eight thousand electrical horsepower (108,000 H.P.) for a contract demand of ninety-six thousand horsepower (96,000 H.P.) and from time to time thereafter whenever the contract demand is to be increased as provided in this Agreement, to instal additional equipment so that at all times the ratio of total rated capacity to contract demand shall not be less than one hundred and twelve and a half per cent. ( $112\frac{1}{2}\%$ ).

1. (d) Subject to Clause 2 and to Clause 5, to deliver to the Commission whenever required by the Commission, electrical horsepower to the extent that water is available up to the maximum available overload and spare capacity specified in Clause 1 (c) without thereby increasing the then contract demand.

2. (a) The power delivered hereunder shall be alternating, three (3) phase, having a periodicity of twenty-five (25) cycles per second and a pressure between phase wires not exceeding the commercial maximum voltage of approximately two hundred and thirty thousand (230,000) volts, subject to a reduction of not over fifteen per cent. (15%) from the determined maximum voltage from time to time as the Commission may direct, and the equipment and apparatus installed by the Company in its plant shall be suitable for operation to obtain this condition, provided, however, that nothing herein shall be construed as obligating the Company to instal apparatus having a capacity in excess of rated capacity at normal



voltage; the Company shall maintain the generator voltage under normal operating conditions within two per cent. (2%) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid and shall instal suitable equipment for such purposes, provided that if the Commission at any time takes power, as provided for in Clause 1 (d) in excess of the contract demand, then the Company shall, during such excess taking, maintain the voltage and frequency as aforesaid as nearly as possible with the equipment then installed.

2. (b) Whenever the Commission shall require, from time to time, the Company shall increase or decrease the voltage and frequency of its plant, within safe operating limits of the then existing equipment of such plant to the extent required by the Commission, in order to insure operation satisfactory to the Commission, in parallel with other sources of supply; it is understood and agreed that in operation of Plants in parallel, the control of power factor and delivery of power in any generating plant is, to a large extent, within the control of the operators in that plant, and the Company agrees, so far as it can do so with its equipment installed, to operate its plant so as to maintain the power factor at its point of measurement, to the Commission, and also to maintain the delivery of power in each case, within the limits directed by the Commission from time to time, provided that by so doing it shall, if and to the extent necessary, be relieved from its obligations as to voltage and frequency regulation specified in Clause 2 (a).

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of seventy per cent (70%) thereof, and no more; that is to say, that during each week after the first day of October, A.D. 1931, so long as this Agreement shall remain in force, the Commission shall be entitled, subject to the provisions of Clause 3 (e) and Clause 5, to receive such electrical energy as it shall require, not in excess of eighty-seven and seventy-three one-hundredths (87.73) kilowatt hours for each horsepower of contract demand, but nothing in this clause shall limit or affect the provisions of Clause 2 (g).

The Commission agrees to so take on all days during the week, at all times of low river flow, a sufficient share of the electrical energy which it is entitled to under this contract in order to prevent wastage of water during Saturdays, Sundays and holidays in such week, which waste water might otherwise have been used within the next week to fulfil the obligations under this Contract; the intent of the foregoing being to secure, at all times of low river flow, the most efficient use of the water to obtain the maximum output of the Plant; for the purposes of this clause, low river flow shall mean that river flow which is in any week insufficient to produce the contract amount of energy for the then contract demand.

In the event of any change in the contract demand occurring other than at the beginning of a week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week. A week for the purposes of this Agreement shall commence at such time during the calendar week as the Commission shall from time to time specify by notice in writing to the Company.

2. (d) The maximum amount of the electrical power and energy delivered by the Commission at any time when the ratio of the kilowatts to the kilovolt amperes is less than eighty-five percent (85%) shall be eighty-five percent (85%) of the kilovolt amperes considered as true power or kilowatts.

2. (e) In the application of the provisions of this Agreement, the Company shall be entitled to the same credit for horsepower and kilowatt hours held available for the Commission, but not taken by the Commission, as if the same has been taken by the Commission, and except as provided in Clause 5 (b) no failure by the Commission to take such power and energy, or either of them, shall relieve the Commission from any of its obligations to make the full amount of payment herein specified to be made by it; for all purposes of this Agreement, the Company shall be considered to have held available for the Commission in each week all the horsepower and kilowatt hours to which the Commission was entitled in that week unless

the Company fails to have available the power and energy which the Commission is entitled to and asks for under the provisions of this Agreement and the Commission complains of such failure at the time, and unless within fourteen (14) days, or other time agreed upon, after the end of that week, the Commission shall have given to the Company written notice of the fact and the approximate amount of the deficiency.

2. (f) If the Commission shall inadvertently take in any week more kilowatt hours than it is entitled to take in such week, the Commission will, upon request from the Company, adjust the matter by making a corresponding reduction in its takings in the next following three week period thereafter; always provided that the Company so far as practicable, regulates the rate of delivery of power and the kilowatt hours from time to time as the Commission may direct, as provided herein; But if, after receipt of such request from the Company, the Commission shall not during such three week period make good such excess taking and correspondingly reduce its takings during such three week period, then the Commission shall pay the Company for any excess energy so taken at the kilowatt hour rate equivalent to the contract rate per horsepower per year at seventy per cent (70%) load factor.

2. (g) The Commission upon notice to the Company shall be entitled to take at any time in any week, electrical energy in addition to the kilowatt hours of electrical energy provided in Clause 2 (c), provided that the taking of such additional electrical energy does not require the use of water required for the fulfilment by the Company of its other obligations under this contract or under any contract by which power and energy or either of them, are required to be withdrawn for use in the Province of Quebec; for all additional electrical energy taken under this clause by the Commission the Commission shall pay to the Company at the rate of one mill per kilowatt hour until the first of October, 1941, and thereafter at a rate which shall be adjusted not oftener than every ten (10) years by mutual agreement between the parties hereto; in any event the Commission shall be required to pay under this clause only for such additional electrical energy as the Company is entitled to produce and the Commission is entitled to take as aforesaid; such additional electrical energy shall be determined from the measuring instruments mentioned in Clause 4, except as hereinafter provided in this clause.

If, however, at any time the power house and power house equipment of the Company forming part of the joint development be operated under the same authority and jointly as a single unit with the power house and power house equipment of the Commission forming part of the joint development, then during all times of such joint operation the amount of the said additional electrical energy shall be calculated in the following manner.

From one-half the total electrical energy produced and delivered at Chats Falls in any week measured as provided in Clause 4 shall be deducted, First—all electrical energy, if any, delivered in fulfilment by the Company of its obligations under the said Emphyteutic Lease by which electrical power and energy or either of them are required to be withdrawn for use in the Province of Quebec; Second—all electrical energy delivered in fulfilment by the Company of its other obligations under this Agreement.

All the remainder of the said one-half of the total electrical energy shall be the additional electrical energy for which the Commission shall pay under this clause.

If in the course of economical operation of the said separate works of the Company and of the Commission, equipment of either be taken out of use, the equipment of the other shall be used to make up the said maximum weekly load factor of seventy per cent (70%) before producing any such additional electrical energy.

2. (h) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the systems involved, it is necessary that the Commission and the Company co-operate, therefore the Commission and the Company will co-operate in respect of all matters of common interest, including without



limiting the generality of the foregoing, design of plant and equipment, and design of control, protective, communication and other such features as necessitate similar or co-ordinated equipment at the Plants of each Party.

The Commission and the Company shall instal only first-class, modern equipment of such characteristics and type as are best suited for the service intended, and shall, from time to time, make such commercially reasonable changes in, or additions to such equipment (other than major equipment) as will best serve to maintain the joint undertaking from time to time in a state of operating efficiency equal to that of undertakings of generally similar purpose and size, in accordance with good practice in the art as developed from time to time.

The Commission and the Company shall each be entitled to the final decision in respect of the design of its own separately owned Plant and property other than such features thereof as necessitate similar or co-ordinated equipment at the Plants of each Party as aforesaid and other than the original installation for a total rated capacity, including reserve capacity, of two hundred and sixteen thousand horsepower (216,000 H.P.), and the additional generating equipment, and in the event of the Commission or the Company exercising such right of final decision, then the Commission or the Company, as the case may be, shall be responsible for the suitability for the purposes intended of Plant or equipment constructed according to the design selected by it.

The Commission and the Company shall exercise all due skill and diligence so as to secure the satisfactory operation, as a system, of the Plant, apparatus and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of such high voltage specified and length of lines contemplated.

2. (i) The Commission and the Company will each use its best efforts to obtain the construction at the earliest possible date by the authorities concerned of all works for the better regulating of the flow of the Ottawa River and for providing storage in the Ottawa River watershed which the parties agree are necessary to obtain the fullest possible advantage from the potential development at Chats Falls, and will co-operate in the study and keeping of records of the flow of the Ottawa River at Chats Falls and in the collection of essential data in relation to conditions in the watershed of the Ottawa River bearing on such flow,

2. (j) The Commission and the Company shall co-operate in all reasonable means for providing for the most economic use of the waters of the Ottawa River watershed.

2. (k) This Agreement shall only apply to the use of the water and to the electrical power and energy produced therefrom to which the Company is entitled as aforesaid, namely:—to the use of one-half of the water available for power purposes at Chats Falls and to the electrical horsepower and energy produced from the said one-half of the water.

### 3. THE COMMISSION AGREES:

3. (a) To pay to the Company in monthly payments for all power and energy under this Agreement at the rate of fifteen dollars (\$15.00) per annum per horsepower of the contract demand which is a total of sixty thousand dollars (\$60,000.00) per month commencing on the first day of October, A.D. 1931, until the first day of October, A.D. 1932, and thereafter a total amount of one hundred and twenty thousand dollars (\$120,000.00) per month until such time as the contract demand shall have been changed, and after any such change while this Agreement remains in force the amount in dollars per month which is obtained by multiplying the then contract demand by one and one-quarter ( $1\frac{1}{4}$ ), all the payments under this Clause 3 (a) being subject always to adjustment as in this Agreement provided:

3. (b) To pay the Company in monthly payments for any excess kilowatt hours for which payment is to be made under Clause 2 (f) and for any additional kilowatt hours ordered by the Commission under Clause 2 (g); Such monthly payments shall cover any amounts payable for excess

or additional energy taken during the full weekly periods terminating within the month for which the payments are made, and a broken week shall be considered as terminating within the following month;

3. (c) To make all payments to be made by the Commission under this Agreement in lawful money of Canada at the office of the Bank of Montreal, at Montreal, and to make all monthly payments to the Company on the twentieth day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the tenth of the month; provided that if any bill remains unpaid on the twentieth of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment and all payments in arrears shall bear interest at the rate of six per cent (6%) per annum; provided, further, that if the Commission or the Company is entitled to any adjustment in respect of any such payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and shall include interest at the said rate from the twentieth day of the month in respect to which adjustment is claimed;

3. (d) At all times to take and use the electrical power and energy in such manner that the current will be taken as nearly as possible equally from the three phases and in no case shall the difference in current between any two phases be greater than five per cent. (5%). If such difference be greater than five per cent. (5%) the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (e) At all times to take and use the power and energy set out in Clauses 1 (a), 1 (b), and 1 (d) hereof, so as not to exceed the weekly takings in kilowatt hours as specified in Clauses 2 (c) and 2 (g) herein; provided that the Commission may at any time, but subject to the provisions of Clause 2 herein, increase the electrical horsepower taken in excess of the contract demand, up to the limits of the overload capacity of all the equipment used from time to time by the Company to meet its obligations hereunder, including the spare capacity which the Company is to instal under this Agreement, but without thereby increasing the contract demand.

3. (f) To give the Company from time to time such information as it reasonably can regarding its expected requirements in kilowatt hours from the Company, particularly as to any probable reduction in such requirements, for any prospective period of light load. The intent of the Parties in this clause is so far as is possible by reasonable co-operation to secure the most economic use of the waters of the Ottawa River watershed.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt hour meters, provided and installed by the Company and so arranged as to measure and record accurately the said power and energy respectively. Readings from the said kilowatt hour meters shall be taken daily at the same hour and recorded by the Company on forms supplied by the Commission. Records from the said recording demand meters and the said kilowatt hour meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The power delivered and the demand in horsepower or either of them for the purpose of this Agreement shall be the integrated amount of power for twenty consecutive minutes as determined from coincident readings of the above mentioned polyphase recording demand meters, provided that nothing in this subclause shall be construed as increasing any obligation of the Company under Clause 1 or the obligation of the Commission to pay under this Agreement.

4. (c) The weekly taking of the energy shall be determined from the weekly readings of the said integrating kilowatt hour meters.

4. (d) The power and energy covered by this Agreement shall be delivered at approximately two hundred and thirty thousand (230,000) volts, (subject to Clause 2) as hereinbefore mentioned, at the outgoing two hundred and thirty thousand (230,000) volt transmission line terminus on the transformer station structures which it is contemplated will be near the



Commission's generating station; the power and energy supplied under this Agreement shall be measured at the 230,000 volt, step-up transformers at Chats Falls on the generator voltage side thereof, without deducting any transformer loss. Provided that if the transformers are not erected within five hundred feet from the nearest wall of the Commission's generating station then any additional transmission losses between the generating station and the transformers shall be borne by the Commission.

4. (e) Access to said instruments and transformers belonging to the Company shall be free to the Commission at any and all times and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days previous notice in writing of its desire to test such measuring instruments.

4. (f) Measuring instruments with the necessary current and potential transformers for the measurement of electrical power or energy hereunder shall be provided, installed and maintained by the Company satisfactorily to the Commission.

The Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder, at least once in each sixty (60) days; the Commission shall be advised at least five (5) days before the day of the test so they may, if they so desire, have a representative present to witness and verify such tests; at any time the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, said meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice; if any meter shall be found, on regular or special test, to be inaccurate, it shall be properly adjusted and the record of its readings taken since the last prior test and all bills affected shall be corrected; the Company shall repair or replace and retest defective meters or measuring equipment within a reasonable time; during any time there is no meter in service, it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4. (g) The Commission may, from time to time, at its option, install duplicate measuring equipment, including necessary current and potential transformers, at the points of measurement for the purpose of checking the records obtained from the Company's measuring equipment, or for any other purposes.

4. (h) The Company shall be responsible for any damages to property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Company's property, providing such damage originates from a source external to the said apparatus of the Commission and is not due to defects in such apparatus or to the operations of the Commission or acts of its employees or to causes reasonably beyond the control of the Company.

4. (i) The kilowatts, kilovolt amperes, kilowatt hours, or any other factors and quantities or any of them, shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4, and the standards of the University of Toronto or of the recognized national authority, if there be any generally accepted as such, shall be used as the final reference as to the accuracy of the measuring equipment.

5. (a) Subject to the direction of the Commission, as provided in Clause 2, and unless prevented from doing so by abnormal operating conditions, in the Commission's system, the maintenance by the Company of approximately the agreed voltage, at the agreed frequency, at the point of delivery, together with the ability of the Company to supply the power and energy under this Agreement, shall prima facie constitute the delivery of power and energy involved in this Agreement, provided, however, that the provision in Clause 2 (a) as to two percent. (2%) regulation of voltage shall apply only at the points of generation.

5. (b) In case the Company shall, at any time or times, be prevented from delivering, or the Commission from receiving the said power and energy or either of them or any part thereof, by strikes, riots, invasion, act of God, the King's enemies, or any other major disaster reasonably beyond the control of them or either of them, then to the extent of such prevention,

the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power or energy during such time.

Each Party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power and energy as aforesaid and the Commission shall pay for the same.

5. (c) The Company shall have the right, at reasonable times, and when possible after due notice has been given to the Commission, to discontinue or reduce to the extent necessary, the supply of power and energy or either of them to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the generating, transforming, transmitting or other equipment of the Company at Chats Falls, but all such interruptions, total or partial, shall be of a minimum duration, and when possible arranged for at a time least objectionable to the Commission.

If such interruptions or reductions occur at a time when the Commission requires the delivery of such power then the Commission shall be released on a pro rata basis from its obligations to pay for such power and energy or either of them as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission during such interruptions or reductions.

5. (d) In case of the failure of the Company for any cause other than those specified in Subclauses (b) and (c) of this Clause 5, to have available as set forth in Clauses 1 and 2, the full amount of electrical power or energy to which the Commission is entitled hereunder in any week, there shall be a proportionate reduction in the sums payable by the Commission to the Company in respect of such week.

5. (e) The amount of reduction in the sums payable by the Commission to the Company for any week or the amount which under Subclauses (b), (c) or (d) of this Clause 5 the Commission is not required to pay to the Company in any week shall be calculated in the following manner:

For energy, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the number of kilowatt hours which the Company fails to have available as aforesaid bears to 87.73 times the then contract demand in horsepower.

For power, the amount accrued due from the Commission to the Company during such week shall be reduced by a sum having the same ratio to such accrued amount as the deficiency (that is, the average number of horsepower of electrical power which the Company fails to have available) averaged for the week bears to the then contract demand in horsepower, the said deficiency shall be determined as follows: For each total or partial interruption the average amount of deficiency below the contract demand shall be taken, and then all the deficiencies both as to amount and length of time shall be averaged for the week in proportion to the total hours in the week, that is, the said deficiency shall be the sum total of all deficiencies during the week in horsepower hours divided by the total number of hours in the week.

All such reductions shall be adjusted on the monthly bills in each case for the full weekly periods terminating within the month for which the adjustment is made; no reduction shall, however, be made in respect of inadvertent failure of less than an aggregate of twenty (20) minutes in any one week; provided that if during the week including such period the electrical energy required by and delivered to the Commission exceed 87.73 kilowatt hours per horsepower of the balance of the contract demand after deducting the average number of horsepower of electrical power which the Company fails to have available throughout such week, the Commission shall credit on the reduction a rateable payment for the excess kilowatt hours, that is to say, such excess kilowatt hours up to the said seventy per cent. (70%) of the contract demand, which is 87.73 kilowatt hours per



horsepower of contract demand shall be credited at the rate of 3.28 mills per kilowatt hour and all kilowatt hours taken over the said seventy per cent. (70%) of the contract demand shall be paid for as provided for under Clause 2 (g) of this Agreement; provided further that the Commission shall be entitled to only one reduction in respect of any one failure, such reduction being either in respect of energy or in respect of power whichever shall be greater.

5. (f) The Commission may from time to time with respect to any moneys due to it by the Company under this Agreement satisfy the same by allocating to the payment thereof by way of set-off and retention any other moneys due by it to the Company under any other agreement in force between the Commission and the Company.

6. If any failure of the Company under Clause 5 is due to causes within its control (and without limiting the generality of the foregoing words, financial difficulties of the Company shall be deemed to be within the control of the Company), the Company, in addition to the reductions under Clause 5, shall pay to the Commission as liquidated damages and not as a penalty in respect of every such failure occurring during the first fifteen (15) years after the commencement date, a sum equal to fifty per cent. (50%) of the reduction made in the sums payable by the Commission to the Company, as set out in Clause 3, and thereafter a sum equal to one hundred per cent. (100%) thereof, which liquidated damages shall be in addition to said reductions; provided, however, that deficiency in stream flow or any interruptions under Clauses 5 (b) or 5 (c) shall not be included in the term "causes within its control," as used in this paragraph.

7. One or more representatives or engineers of the Commission designated for this purpose may, at any reasonable time, during the continuance of this Agreement, have access to the premises of the Company for the purpose of inspecting the premises, apparatus, plants, property and the electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this Agreement is generated, and to take and obtain records therefrom as required; representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical and hydraulic records of the Commission pertaining to the power generated by the Commission at Chats Falls.

8. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained or hereby provided for or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to two arbitrators, one to be appointed by each party to the difference, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario, 1927, Chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario. The findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively except that either may appeal from, move to set aside, vary or refer back an award as provided in the said *Arbitration Act*, and except that the right to appeal to the Supreme Court of Canada and to the Privy Council or either of them shall not be limited.

9. The Commission and the Company respectively shall be entitled at any time prior to the expiration of thirty days' notice in writing to the opposite party delivered after the termination of this Agreement and any extension thereof to remove from the premises of the other party any and all plant and equipment which may have been installed by it for the supply or measurement of power hereunder.

10. This Agreement is made subject to the restrictions imposed upon the Company under the Company's said Emphyteutic Lease dated the twenty-second day of June, 1926, from the Government of the Province of Quebec. The Commission unreservedly recognizes that this Contract



has been entered into by it with the knowledge that the Company may be required to deliver in accordance with the terms of its lease to users in the Province of Quebec as and when required, power developed by the Company and agrees that nothing in this Contract contained can or will derogate from such right and duty on the part of the Company to divert power to users in the Province of Quebec when required in accordance with the terms of the said Lease. The Commission also recognizes particularly the provisions of Clause 9 of the said Lease relating to the export of power to the United States, which provisions shall be complied with by the Commission and may be enforced by the Company.

11. The rates to be paid and payments to be made by the Commission, as set out in Clause 3, shall, subject to the provisions of this clause, include all compensation to the Company for all taxes, levies, rentals, royalties, license fees and charges that may be levied, assessed or imposed by the Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof; if, however, while this Agreement shall continue in force, (a) any Dominion or Provincial taxes or other similar levies (but not any Municipal taxes nor any income taxes) not now in existence be created or any now existing be increased in rate, or (b) any Dominion or Provincial rentals, royalties, license fees or similar charges for the use of water not now in existence be created, or any now existing be increased in rate in such a manner as to increase the cost to the Company by reason of these items of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and every such case an increase shall be made in the payments by the Commission to the Company hereunder which shall, after crediting any reduction in any such items compensate the Company for the increase thereby occasioned in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission under this agreement. Provided that in the event of any reduction in any such items the said increase in the payments by the Commission shall be reduced accordingly to the extent of the total of the said increase but no more.

Provided further that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed to be taxes for the purposes of this clause and the liabilities and obligations of the Commission shall not, in any way, be increased thereby but the same shall be borne by the Company; the recently authorized educational tax of the Province of Quebec not yet promulgated is not considered as now in existence.

12. This Agreement shall be binding upon both parties hereto upon its execution and shall continue in force for a period of forty (40) years from the said commencement date; if this Agreement be not extended beyond the said period of forty (40) years, then the Commission and the Company shall co-operate for the most efficient and satisfactory use of equipment and facilities common to both parties.

13. In the event that the Company, by reason of the provisions in the said Emphyteutic Lease, is required to withdraw the power covered by this Agreement, or any part thereof, for use in the Province of Quebec, and thereby any of the Commission's electrical equipment for purposes of transformation or transmission of the power generated at Chats Falls is rendered idle, in whole or in part, the Company will compensate the Commission therefor to the extent of the moneys which the Commission during the remainder of the period that this Agreement continues in force shall set aside or have to pay to meet interest, insurance, maintenance, protection and proper amortization, on the proportion of the capital cost of such equipment equal to the extent to which such equipment is so rendered idle during the time that the said equipment so remains idle, but the then contract demand shall be reduced by the amount of the power so withdrawn and nothing herein contained shall render the Company liable to the Commission for any loss arising from the Commission being forced to substitute other power for the power so withdrawn.

In the event of the Company being required to withdraw power under the provisions of the said Emphyteutic Lease the Company shall give to the Commission prompt notice in writing to that effect:

14. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address, or addresses, as each party may from time to time file with the other; the parties agree each to maintain its address on file with the other.

15. The Company covenants and agrees with the Commission that if at any time hereafter during the continuance of this Agreement the Company should mortgage, hypothecate or charge, in whole or in part, any of its property or rights which are necessary for the development of power or energy at Chats Falls to secure bonds or debentures or other evidences of indebtedness, any such mortgage, hypothecation or charge shall be expressly made subject to all covenants, agreements and obligations on the part of the Company in this Agreement contained; such mortgage, hypothecation or charge shall also expressly provide that no sale of the property or rights so mortgaged, hypothecated or charged, or any part thereof, or for the purpose of enforcing the provisions of such mortgage, hypothecation or charge shall be made, except subject to the said covenants, agreements and obligations and to the condition that the purchaser shall enter into a covenant, agreement and obligation with the Commission to assume and perform the said covenants, agreements and obligations and in all respects succeed to the position of the Company under this Agreement, and it is agreed that all the said provisions shall be conditions of every contract mortgaging, hypothecating or charging, in whole or in part, the property or rights of the Company which are necessary for the development of power or energy at Chats Falls and shall be expressed therein as stipulations in favour of and in trust for the benefit of the Commission. The Commission shall have the right to require the Company or other party granting any such mortgage, hypothecation or charge to enforce such provisions or may itself enforce the same either in its own name or if necessary in the name of such other party.

Before entering into any mortgage, hypothecation or charge as aforesaid the Company or party proposing to grant the same shall submit to the Commission a written draft of a clause or clauses to be included in the said Trust Deed, which clause or clauses shall either be in the language above set forth or be in language framed to afford the protection above provided for; the Commission will, within ten days from the submission of such clause or clauses approve of same or notify in writing any objections thereto; if no objection is offered within the said ten days the clause or clauses shall be taken to be approved, and if any objection is taken in which the mortgaging party does not concur, then the language of the clause or clauses is to be submitted to and approved of by Mr. Eugene Lafleur, K.C., or Mr. Aime Geoffrion, K.C., or Mr. G. H. Montgomery, K.C., or failing any of them by counsel to be named by the Chief Justice of the Superior Court of Quebec at Montreal on summary application if the mortgaging party is in the province of Quebec, and, if the mortgaging party is in the Province of Ontario then to be submitted to and approved of by Mr. Strachan Johnston, K.C., or Mr. Britton Osler, K.C., or Mr. E. G. Long, K.C., or failing any of them, by counsel to be named on summary application by the Chief Justice of the Supreme Court of Ontario; in either case the decision of such counsel shall be final.

The Company further covenants and agrees with the Commission that it will not, except by way of mortgage, hypothecation or charge as aforesaid, assign its Emphyteutic Lease of the 22nd June, 1926, from the Government of the Province of Quebec, or transfer any of its property or rights necessary to the development of power or energy at Chats Falls other than by way of mortgage, hypothecation or charge as aforesaid, except to an assignee or transferee who shall enter into a contract with the Commission covenanting to assume and perform the obligations of the Company in this Agreement contained and in all respects succeed to the position of the Company hereunder.

16. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively.

In witness whereof the Parties hereto have caused this Agreement to be executed under their respective corporate seals attested by the signatures of their proper officers duly authorized thereto.

<p>SIGNED, SEALED AND DELIVERED</p> <p>In the presence of</p> <p>(SEAL)</p>     <p>A. G. MACKINNON.</p> <p>(SEAL)</p>	}	<p>THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.</p> <p>(Sgd.) C. A. MAGRATH, <i>Chairman.</i></p> <p>(Sgd.) W. W. POPE, <i>Secretary.</i></p> <p>CHATS FALLS POWER COMPANY.</p> <p>(Sgd.) E. R. PARKINS, <i>President.</i></p> <p>(Sgd.) M. M. COX, <i>Secretary.</i></p>
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## 2

THIS AGREEMENT made in duplicate This twenty-fourth day of February, A.D. 1931,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
an Ontario Corporation, hereinafter called the "Com-  
mission,"

OF THE FIRST PART,

—and—

OTTAWA VALLEY POWER COMPANY, formerly known as  
Chats Falls Power Company, a Quebec Corporation,  
hereinafter called the "Company,"

OF THE SECOND PART.

Whereas the Commission and the Company by Agreement under date the fifteenth day of February, A.D. 1930, hereinafter called the "Joint Development Agreement," have undertaken jointly the development necessary for the utilization of the total power on the Ottawa River at Chats Falls within both the Provinces of Ontario and Quebec, on the basis of each being entitled as between themselves to the ownership, use and benefit of one-half of all the water available for power at such location and are co-operating in all undertakings necessary in order to bring the whole development to completion at an early date and to maintain and operate the same;

And whereas the Commission and the Company have entered into a further Agreement under date the 15th day of February, A.D. 1930, hereinafter called the "Power Contract," for the sale and delivery to the Commission by the Company of the electrical power and energy which the Company is entitled to produce and deliver from the said joint development:

And whereas the Commission and the Company have entered into an agreement under date the 24th day of February, A.D. 1931, hereinafter called the "Transformer Agreement" for the use by the Company and the Commission of a transformer and switching station therein called the "Transformer Station" to be constructed by the Commission in Ontario:

And whereas for the purpose of economic and efficient service it is desirable that the Commission in addition to maintaining and operating its separate works (as defined in the Joint Development Agreement) should also maintain and operate the works of the Company as hereinafter defined, together with the Company's rights in the said transformer station as defined in the said Transformer Agreement:



Now therefore this Indenture witnesseth:

That for the considerations herein contained the parties hereto mutually covenant, promise and agree as follows:

1. The Company hereby appoints the Commission as its Agent for the purpose of this Agreement and authorizes the Commission as such Agent to exercise and use the rights and to maintain and operate the works of the Company at Chats Falls which are necessary for the delivery of power to the Commission under the said Power Contract, namely:

- (a) All separate works of the Company as defined in the Joint Development Agreement, being:
  - (i) The power house, which term shall not include any intake section necessary for the main dam but shall include every extension of the power house as an additional work;
  - (ii) Power house equipment;
- (b) The Company's interest in and share of the common equipment as defined in the said Joint Development Agreement or as may be mutually agreed upon from time to time;
- (c) The Company's interest and rights in the Transformer Station as defined in the said Transformer Agreement;

all of which power house, equipment, station, interest, rights, and works are hereinafter called the "Company's Works" which term for the purposes of this Agreement is intended to include all property and rights of the Company from the water intake to the point of delivery of power to the Commission at Two Hundred and Thirty Thousand (230,000) volts as mentioned in the said Power Contract.

The above defined works with the word "Commission" substituted for the word "Company" shall for the purposes of this Agreement be called the "Commission's Works."

2. The Commission as such Agent accepts the said appointment and authorization and agrees to maintain and operate the Company's works with skill and diligence without discrimination or favour as between the Commission's works and the Company's works and up to the same standard as the Commission shall maintain and operate the Commission's Works—all subject to the provisions hereinafter contained.

3. The Commission as such Agent shall have, enjoy and exercise all the rights, powers, authorities, privileges and immunities of the Company with respect to the Company's Works for the purposes of maintenance and operation of the same as herein provided, but the Commission shall be under no obligation whatsoever to undertake or continue any services, work or responsibility under this Agreement unless the Company maintain unimpaired its rights and privileges necessary for development of power at Chats Falls and observe and perform all requirements imposed by statute or other proper authority upon the Company, but the Commission shall be under no obligation to see to the maintenance of any rights or privileges of the Company or to the observance or performance of any requirements imposed upon the Company, but shall exercise its best endeavour and judgment to avoid doing any act that would imperil the Company's leases and rights.

4. All ordinary maintenance of the Commission's works and the Company's works shall be effected by the Commission without reference to the Company; all renewals, replacements and reconstruction such as rewinding of generators and replacing of water wheels of the Commissions' works and the Company's works other than in the Transformer Station shall before being effected be approved by the Company, but such approval shall not be unreasonably withheld.

5. The Commission will operate the Company's works in conjunction with the Commission's works so as to permit as far as possible the fulfilment of the rights and obligations of both parties under the Power Contract.

6. In case the Commission as such Agent shall at any time or times be prevented from operating the Company's works or performing this Agreement or any part thereof by strike, riot, fire, invasion, explosion, hurricane, flood, act of God, or the King's enemies, or any other cause reasonably beyond its control, or by failure of the Company to perform any obligations or requirements imposed upon it, then the Commission shall not be bound to perform its obligations under this Agreement to the extent that the same are interrupted thereby, but the Company shall not be relieved from its liability for the payment of cost under this Agreement; as soon as the cause of such interruption is removed the Commission shall continue to perform its obligations under this Agreement; the Commission shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption; upon request the Company will render any assistance it might reasonably be expected to render.

7. The Company shall at all times have free access to the Company's works and the Commission's works and everything therein contained relating to this Agreement; the Company shall also have access at all reasonable times to all books, accounts and records of the Commission concerning anything under this Agreement.

8. The Commission shall keep records covering all matters of essential importance hereunder and shall furnish each month to the Company a summary thereof in form similar to that in use by the Commission at Toronto, and whenever required by the Company the Commission shall furnish to the Company all reasonable information which may be necessary for the purposes of the Company hereunder and in addition shall at the expense of the Company furnish any special reports concerning any matters which may arise under the terms of this Agreement.

9. The Commission shall establish and maintain records in such form as will show in detail all receipts and expenditures and the costs of all services and work done under this Agreement so that the same may be checked by the Company and distribution of the items therein contained can be determined separately and distinct from all other cost and expenditures incurred and made by the Commission to the extent that this is practicable.

10. All accounts of the Commission hereunder shall be audited at least once in each fiscal year by the auditor of the Commission and may in addition, if the Company shall so require but at the expense of the Company be audited by an auditor appointed by the Company; copies of any reports made by the auditor of either party hereunder shall be furnished to the other party.

11. The Company shall pay to the Commission and the Commission shall accept as full compensation for acting as Agent for the Company and performing the services under this Agreement such sum annually as shall be equal to one-half of the total cost to the Commission of maintenance and operation of both the Company's works and the Commission's works at Chats Falls power plant including the common equipment and the Transformer Station and also of renewing, replacing and reconstructing the Company's works and the Commission's works and common equipment as hereinbefore provided, but expressly excluding renewals, replacements and reconstruction provided for in the Transformer Agreement; which total cost for the purposes of this Agreement shall without limiting the generality of the foregoing include the following items:

(a) All costs of materials, supplies, tools, stores, apparatus, machinery and equipment except those required for renewals, replacements or reconstruction in the Transformer Station as aforesaid, plus five per cent (5%) of such cost; Provided, however, that when major equipment shall be purchased with or without installation under contract with an equipment company, the percentage to be added to the cost of such equipment including any labour furnished by the equipment company shall be that adopted by the Commission under its general practice in respect to contracts of similar character and shall not in any event exceed five per cent (5%) of the contract prices for such equipment; provided that where installation is made by the Commission the cost of labour and of engineering



and other special services in connection therewith shall be determined as provided in Sub-clauses (b) and (c) of this Clause 11.

(b) All salaries, wages and other remuneration of all persons employed in connection with the services rendered or work done under this Agreement to which shall be added twenty-seven per cent (27%) thereof (which said percentage shall be included as compensation to the Commission for its office, administration and accounting expenses, pensions and Workmen's Compensation), and in addition thereto the out-of-pocket and travelling expenses of such persons while so employed.

(c) The costs of all special engineering, legal, accounting and other special services rendered by employees and officers of the Commission who shall be not regularly employed hereunder and added thereto fifty per cent (50%) of such costs and in addition the travelling and out-of-pocket expenses of such persons while engaged on such business.

(d) The costs of all engineering, legal accounting and other services other than those mentioned in subclauses (b) and (c) of this Clause.

(e) The net cost in each year which shall be incurred by the Commission in maintaining and operating, housing, living and other accommodation for employees, regular or special, engaged on the Commission's works and/or the Company's works; for the purpose of this subclause (e) the cost of maintaining such accommodation shall include interest and amortization at regular Commission rates of the capital cost thereof less any such capital cost already charged to the construction of the Power Development, and expenditures and allowances for insurance, repairs, renewals, taxes and other like charges.

12. The Company shall pay said compensation to the Commission in lawful money of Canada at Toronto on monthly bills, which monthly bills shall be rendered by the Commission to the Company on or before the tenth day of each month and become due and be paid by the Company to the Commission on or before the twentieth day of the said month; such monthly bills shall be mailed by the Commission addressed to the Company at its office in the City of Montreal and if any bill shall remain unpaid after the time when it becomes due the amount thereof shall bear interest at the rate of six per cent. (6%) per annum until paid; the Commission may apply against any such payment in default any money due to the Company by the Commission under the Power Contract or otherwise but failure to apply as aforesaid shall not relieve the Company.

13. In case any claim or claims shall be made against the Commission or the Company in connection with any work done or service rendered under this Agreement by the Commission, the Commission or the Company as the case may be shall promptly notify the other party thereof; if such claim shall arise in the Province of Quebec the Company shall defend the same; if any such claim shall arise in the Province of Ontario the Commission shall defend the same, and in either case each party shall render to the other all assistance for such purposes; costs and expenses in connection with such claims shall form part of the cost of maintenance and operation under this Agreement as mentioned in Clause 11.

14. Nothing in this Agreement shall relieve the Company or the Commission from any obligation under the said Power Contract, or the said Joint Development Agreement or from any obligation under the Transformer Agreement except as provided in Clause 19 of this Agreement.

15. This Agreement shall come into effect as soon as power is being delivered on commercial load from the Company's works or such earlier date as may be agreed upon and shall continue in force until terminated at any time by the Commission or the Company giving Three (3) months' notice in writing to the other party.

16. If by reason of any lawful authority in the Province of Quebec the Commission be prevented from or hindered in the performance of this Agreement, the Commission shall immediately notify the Company of the same, and from the date of each notification of the Commission shall be relieved from any obligation to perform this Agreement.

17. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained or hereby provided for or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to three arbitrators, one to be appointed by each of the parties hereto and the third by these two or in case they cannot agree by a Judge of the Supreme Court of Ontario, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario 1927, Chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario; the findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively except that either may appeal from, move to set aside, vary or refer back an award as provided in the said *Arbitration Act* and except that the right to appeal to the Supreme Court of Canada and to the Privy Council or either of them shall not be limited.

18. Any notice in writing under this Agreement may be given by mailing the same postage prepaid addressed to the party at its office address and shall be deemed to have been given the day following the day of mailing as aforesaid; each party shall keep its post office address on file with the other and such address shall remain the proper address of the party until changed by notice in writing.

19. To the extent necessary to give full effect to this Operating Agreement so long as it remains in force, this Operating Agreement shall take precedence over and supersede the Transformer Agreement and there shall be no duplication of payment for the same service under the two Agreements; but if this Operating Agreement cease to be in force to any extent then to that extent it shall cease to take precedence over or supersede the Transformer Agreement.

20. This Agreement shall extend to, be binding upon and enure to the benefit of the Commission and the Company and their successors and assigns respectively.

In witness whereof the parties hereto have caused this Agreement to be executed under their respective corporate seals attested by the signatures of their proper officers duly authorized thereto.

SIGNED, SEALED AND DELIVERED

In the presence of

(Commission Seal)

(Company Seal)

THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO.

J. R. COOKE,  
*Acting Chairman.*

W. W. POPE,  
*Secretary.*

OTTAWA VALLEY POWER COMPANY,

C. W. ALLEN,  
*President.*

A. G. MACKINNON,  
*Secretary.*

## SCHEDULE "E"

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION

—AND THE—

JAMES McLAREN COMPANY LIMITED

1. AGREEMENT, AS OF THE 20TH OF DECEMBER, 1930.
2. AGREEMENT AS OF THE 14TH OF JANUARY, 1931.

## 1

This Indenture made in duplicate this 20th day of December, A.D. 1930.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
hereinafter called the "Commission"

OF THE FIRST PART,

—and—

THE JAMES MACLAREN COMPANY, LIMITED, hereinafter  
called the "Company"

OF THE SECOND PART.

Whereas the Commission, acting under *The Power Commission Act*, R.S.O. 1927, Chapter 57 and Amendments thereto, is authorized to enter into an Agreement for a supply of electrical power and energy to the Commission.

And whereas the Company is duly incorporated under the laws of the Dominion of Canada, with power to produce and sell electrical power and energy, and is proceeding with Hydro-Electric developments for the said purposes in the Province of Quebec.

And whereas the Company is prepared to deliver electrical power and energy to the Commission at the boundary line between the Provinces of Ontario and Quebec from its pending and future developments on its freehold properties at Masson and High Falls, on the du Lievre River, at or near Buckingham, in the Province of Quebec, and is willing to enter into an Agreement with the Commission for such purposes.

Now therefore this Indenture witnesseth:

That for the considerations herein contained, the parties hereto covenant, promise and agree as follows:

## 1. The Company agrees:

(a) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the First day of July, 1933, and thereafter so long as this Agreement shall continue in force, twenty thousand horsepower (20,000 H.P.) of electrical power or energy on the conditions herein contained; twenty thousand horsepower (20,000 H.P.) shall be the contract demand until such contract demand is increased as provided in subclause (b) next following:

1. (b) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the



First day of July, 1934, and thereafter so long as this Agreement shall continue in force, twenty thousand horsepower (20,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of forty thousand horsepower (40,000 H.P.) until such contract demand is increased, as provided in subclause (c) next following:

1. (c) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the First day of July, 1935, and thereafter so long as this Agreement shall continue in force, twenty-seven thousand horsepower (27,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of sixty-seven thousand horsepower (67,000 H.P.) until such contract demand is increased, as provided in subclause (d) next following.

1. (d) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission on the First day of July, 1936, and thereafter so long as this Agreement shall continue in force, thirty-three thousand horsepower (33,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of one hundred thousand horsepower (100,000 H.P.) until such contract demand is increased, as provided in subclause (e) next following.

1. (e) To keep available for delivery to the Commission and deliver to the Commission, when and as required by the Commission, on the First day of November, 1936, and thereafter so long as this Agreement shall continue in force, twenty-five thousand horsepower (25,000 H.P.) of electrical power or energy on the conditions herein contained, making a total contract demand of one hundred and twenty-five thousand horsepower (125,000 H.P.) which shall constitute the maximum contract demand under this Contract.

1. (f) Subject to Clause 2 and Clause 5 to deliver to the Commission whenever required by the Commission electrical power to the extent that water is available up to fifteen per cent. (15 %) in excess of the then contract demand; such excess power shall not increase the then contract demand and no charge shall be made for its use, but nothing in this clause shall be construed as obligating the Company to deliver more kilowatt-hours of energy per week than the Commission is permitted to take under the provisions of Clause 2 (c).

1. (g) To install at its power developments on the said river sufficient equipment and spare equipment to ensure fulfillment of the terms of this Agreement, and for this purpose to provide excess or spare capacity so that at all times the ratio of total installed capacity to contract demand shall be not less than one hundred and fifteen per cent. (115 %).

2. (a) The power delivered hereunder, at the point of delivery shall be alternating, three-phase, and shall have a controlled average periodicity of twenty-five (25) cycles per second, and a pressure between phase wires not exceeding the commercial maximum voltage of approximately two hundred and forty thousand volts (240,000 V.) subject to a reduction from time to time as the Commission may direct of not over fifteen per cent. (15 %) from the determined maximum voltage selected by the Commission, and the equipment and apparatus installed by the Company in its plants shall be suitable for operation to maintain this condition; the Company shall maintain, under normal operating conditions, the generator voltage within two per cent. (2 %) of the generator voltage corresponding to the voltage directed by the Commission as aforesaid, and shall install suitable equipment for such purposes; the power delivered hereunder shall be commercially continuous, twenty-four (24) hour power, every day in the year except as provided herein.

2. (b) Whenever the Commission shall require from time to time, the Company shall increase or decrease the voltage and frequency of its plant or plants, within safe operating limits of the then existing equipment of such plants or plants to the extent required by the Commission, in order to ensure operation satisfactory to the Commission in parallel with other sources of supply; it is understood and agreed that in operation of plants

in parallel, the control of power factor and power delivery in any generating plant is, to a large extent, within the control of the operators in that plant, and the Company agrees so far as it can do so with its equipment installed, to operate its plant so as to maintain the power factor and the delivery of power within the limits directed by the Commission, from time to time.

If by reason of such parallel operation, the Commission shall inadvertently receive electrical power from the Company at a lower power factor than herein provided, or in excess of the amount to which the Commission is entitled under this Agreement, then the Commission shall not be subject to any charge hereunder for such excess taking of power and such excess taking shall not increase the Contract Demand as herein defined or increase the amount of the payment provided for in subclause (a) of Clause 3 and shall not increase or affect, in any way, any obligation of, or impose any obligation upon the Commission hereunder; excepting that the Company may notify the Commission of such excess and thereupon both parties shall exercise all skill and diligence so as to limit to the utmost such excess taking to a minimum amount and to the shortest possible period of time reasonably necessary for the proper adjustment of the power factors and loads among the various generating plants.

2. (c) The Commission shall be entitled to the contract demand up to a maximum weekly load factor of seventy per cent. (70%) based on the then contract demand, that is to say, that during each week after the First day of July, A.D. 1933, so long as this Agreement shall remain in force, the Commission shall be entitled, subject to the provisions of Clause 5, to receive such electrical energy as it shall require not in excess of eighty-seven and seventy-three one-hundredths kilowatt-hours (87.73 Kw. Hrs.) for each horsepower of the then contract demand.

On Sundays and holidays, the Commission, at the request of the Company, shall take not less than three kilowatt-hours (3 Kw. Hrs.) for each horsepower of contract demand; on Saturdays the Commission, at the request of the Company, shall take not less than seven kilowatt-hours (7 Kw. Hrs.) for each horsepower of contract demand.

In the event of an increase in the contract demand occurring other than at the beginning of a contract week, the Commission shall be entitled to receive the same number of kilowatt-hours for each horsepower of contract demand each day for the remainder of the week as were received for each horsepower of contract demand during the corresponding days of the last preceding week.

A week for the purposes of this Agreement shall commence at such time during the calendar week as the Commission shall from time to time notify the Company in writing; such week shall be known as the "contract week."

2. (d) The maximum amount of kilovolt amperes to which the Commission shall be entitled under this Agreement shall be the kilowatts corresponding to the maximum amount in horsepower to which the Commission is entitled under Clause One (1) divided by eighty-five one-hundredths (.85).

2. (e) For all purposes of this Agreement, the Company shall be considered to have held available for the Commission in each week, all the horsepower and kilowatt-hours to which the Commission was entitled in that week, unless the Company fails to have available the power which the Commission is entitled to and asks for under the provisions of this Agreement and the Commission complains of such failure at the time, and unless within fourteen (14) days, or other time agreed upon, after the end of that week, the Commission shall have given to the Company written notice of the fact and approximate amount of the deficiency.

2. (f) If the Commission shall inadvertently take in any week more kilowatt-hours than it is entitled to take in such week, the Commission will, upon notice in writing from the Company, adjust the matter by making a corresponding reduction in its takings in the next following contract week after the contract week in which such notice shall have been given, unless the Company shall agree to extend this time; but if



after receipt of such notice from the Company, the Commission shall not during the said next following contract week make good such excess taking and correspondingly reduce its takings during the said contract week, then the Commission shall pay to the Company for any excess energy so taken at the rate of three and twenty-eight one-hundredths mills (3.28 mills) per kilowatt-hour.

2. (g) Because of the fact that the high voltage circuits involved in this Agreement will be physically connected and operated in parallel with those from other power sources, and because of the magnitude and nature of the system involved, it is necessary that the Commission and the Company co-operate.

The Commission and the Company will co-operate in respect of all matters of common interest, including without limiting the generality of the foregoing, design of plant and equipment and design of control, protective, communication and other features which necessitate similar or co-ordinated equipment.

The Commission and the Company shall instal only first-class, modern equipment of such characteristics and type as are best suited for the service intended, and shall from time to time make such commercially reasonable changes in or additions to said equipment (other than major equipment) as will best serve to maintain the system as a whole, in accordance with good practice in the art as developed from time to time.

The Commission and the Company shall each be entitled to the final decision in respect of the design of its own plant and property, other than such features thereof as necessitate similar or co-ordinated equipment at the plant of each party as aforesaid; in the event of the Commission or the Company exercising such right of final decision, then the Commission or the Company, as the case may be, shall be responsible for the suitability for the purpose intended of plant or equipment constructed according to the design selected by it.

The Commission and the Company shall exercise all due skill and diligence so as to secure the satisfactory operation as a system, of the plant, apparatus and property of both the Commission and the Company, including, without limiting the generality of the foregoing, parallel operation, voltage, power factor and any problems which may arise in connection with the use of the high voltage specified and length of lines contemplated.

### 3. THE COMMISSION AGREES:

(a) To pay to the Company, in monthly payments, for all power and energy under this Agreement, at the rate of Fifteen Dollars (\$15) per horsepower per annum, of the then contract demand in effect from time to time, which is a total of:

\$25,000.00 per month from July 1, 1933, until July 1, 1934.

\$50,000.00 per month from July 1, 1934, until July 1, 1935;

\$83,750.00 per month from July 1, 1935, until July 1, 1936;

\$125,000.00 per month from July 1, 1936, until November 1, 1936;

\$156,250.00 per month from November 1, 1936, and during the remaining term of this Agreement.

The amount of dollars per month is obtained by multiplying the maximum contract demand, as determined in Clause 1 hereof by One and one-quarter ( $1\frac{1}{4}$ ); the said monthly payments being subject always to adjustment, as in this Agreement provided.

3. (b) To pay the Company in monthly payments for any excess kilowatt-hours for which payment is to be made under Clause 2 (f); such monthly payments shall cover any amounts payable for such excess kilowatt-hours taken during the full weekly periods terminating within the month for which the payments are made.

3. (c) To make all the payments to be made by it under this Agreement in lawful money of Canada, at Toronto, Province of Ontario, Canada, and to pay the said monthly payments to the Company on the twentieth day of each calendar month for the accrual of the preceding calendar month, the Company to render the bill on or before the tenth day of the month; provided that if any bill remains unpaid on the twentieth day of the month in which it is rendered, the Commission shall thenceforth be in arrears for said payment, and all payments in arrears shall bear interest at the rate of Six per cent. (6%) per annum; Provided, further, that if the Commission or the Company be entitled to any adjustment in respect of any payment, such adjustment shall be given effect to in the monthly payment falling due next after the determination thereof, and no portion of any monthly payment shall be postponed pending determination of any such adjustment, except if and to the extent that any decision or determination on such adjustment (even though under appeal) shall have held the Commission entitled to the adjustment; every such adjustment shall include interest at the said rate of Six per cent. (6%) per annum on the amount allowed from the Twentieth day of the month in respect to which adjustment is allowed.

3. (d) At all times to take and use the electrical power in such manner that the current will be taken from the three phases as nearly equally as practicable, and in no case shall the difference in current between any two phases be greater than Five per cent. (5%). If such difference be greater than Five per cent. (5%), the Commission, upon instructions from the Company, shall so adjust its load as to comply with these requirements.

3. (e) Subject to all the provisions hereof, at all times to take and use the power and energy covered by this Agreement within the limits set out in Clauses 1 and 2 hereof.

4. (a) The measurement of electrical power and energy under this Agreement shall be made by means of suitable polyphase recording demand meters and integrating kilowatt-hour meters, hereinafter called "measuring instruments," provided and installed by the Company and so arranged as to measure and record accurately the said power and energy, all in a manner satisfactory to the Commission. Readings from the said kilowatt-hour meters shall be taken daily at the same hour, and recorded by the Company on forms supplied by the Commission. Records from the said kilowatt-hour meters and the said recording demand meters shall be dated and forwarded promptly by the Company to the Commission and such records on file with the Commission shall be available to the Company for inspection at all reasonable times.

4. (b) The power delivered and the demand in horsepower or either of them for the purpose of this Agreement shall be the integrated amount of power for twenty (20) consecutive minutes, as determined from coincident readings of the above-mentioned polyphase recording meters and adjusted, when necessary, according to Clause 2 (d). Provided that nothing in this sub-clause shall be construed as increasing the contract demand or any obligation of the Company under Clause 1, or the obligation of the Commission to pay for power hereunder.

4. (c) The weekly taking of the energy shall be determined from the weekly readings of the said integrating kilowatt-hour meters.

4. (d) The power and energy covered by this Agreement shall be delivered at a voltage not exceeding Two hundred and forty thousand volts (240,000 v.) subject to Clause 2, as hereinbefore mentioned, at the boundary between the Provinces of Ontario and Quebec, at or near Cumberland, and the Company shall instal suitable and necessary transformers and a transmission circuit, which circuit shall include a river crossing with one spare conductor complete with the tower on the Ontario shore, all of types and capacities approved by the Commission; and the Company will on

completion of such installation transfer and convey to the Commission the said tower and so much of the said river crossing as is on the Ontario side of the said boundary. All electrical power and energy supplied under this Agreement shall be measured at the Two hundred and forth thousand volt (240,000 v.) step-up transformers at or near the Company's Masson Generating Station on the du Lievre River and on the generator voltage side thereof, and no adjustment of such measurement shall be made for the loss in single step transformation from generator to transmission voltage (approximately Two hundred and forty thousand volts (240,000 v.); the said transformer loss and the transmission loss at the said voltage from the place of measurement at the said transformers to the point of delivery have been and are hereby assumed by the Commission and have already been considered in arriving at the price herein specified; provided that if for any reason the measuring instruments are connected at other than the said point, their readings shall be subject to a correction and shall be corrected to give results such as would be obtained by instruments connected at the said point.

The Company will provide a suitable communication system between its plants and the point of delivery.

4. (e) Access to said measuring instruments and transformers belonging to the Company shall be free to the Commission at any and all times, and the Commission may test such measuring instruments and transformers at any reasonable time in the presence of a representative of the Company, by giving to the Company seven (7) days' previous notice in writing of its desire to test such measuring instruments.

4. (f) The measuring instruments with the necessary current and potential transformers for the measurement of electrical power and energy hereunder shall be provided, installed and maintained by the Company, all in a manner satisfactory to the Commission.

The Company agrees to test each meter installed by it to measure the electrical power and energy contracted for hereunder at least once in each sixty (60) days; the Commission shall be advised at least five (5) days before the day of the test, so that it may, if it so desires, have a representative present to witness and verify such test. At any time the Commission notifies the Company that it believes that such meters, or any of them, are not within the closest practicable agreement with perfect accuracy, such meter or meters shall be jointly tested within five (5) days of the receipt by the Company of the said notice. If any meter shall be found on regular or special test to be inaccurate, it shall be properly adjusted and the records of its readings taken since the last prior test shall be corrected, and all kilowatt hour readings affected shall be adjusted, all on the basis of the average of progressive inaccuracy. The Company shall repair and replace or retest defective meters or measuring equipment within a reasonable time. During any time there is no meter in service, it shall be assumed that the energy consumed is the same as for other days of the same month on which a similar load existed.

4. (g) The Commission may from time to time, at its option, install duplicate measuring equipment, including necessary current and potential transformers at the points of measurement for the purpose of checking records obtained from the Company's measuring equipment or for any other purpose.

4. (h) The Company shall not be responsible for any damage to property or apparatus furnished by the Commission for the purpose of supplying or measuring power or energy hereunder, or for any other purpose, and installed on the Company's property, unless such damage originates from a source within the control of the Company and external to the said apparatus of the Commission.

4. (i) The kilowatts, kilovolt amperes, kilowatt hours and all other factors and quantities or any of them, shall be determined directly or indirectly from the measuring equipment provided for in this Clause 4; and the standards of McGill University, or of the recognized National authority, if there be such generally accepted, shall be used as the final reference as to the accuracy of measuring equipment.



5. (a) Subject to the direction of the Commission, as provided in Clause 2, the maintenance by the Company of approximately the agreed voltage, at the agreed frequency, at the point of delivery, together with the ability of the Company to supply the power and energy under this Agreement, shall constitute the delivery of power involved in this Agreement.

5. (b) In case the Company shall at any time or times be prevented from delivering, or the Commission from receiving the said power and energy, or either of them, or any part thereof, by strikes, riots, fire, invasion, explosion, act of God, the King's enemies, or any other similar cause or causes reasonably beyond the control of them, or either of them, then to the extent of such prevention, the Company shall not be bound to deliver and the Commission shall not be bound to pay for such power or energy during such time.

Each party shall be prompt and diligent in removing the cause of such interruption (and to this end shall in advance of any such interruption provide a reasonable reserve of spare parts and apparatus), and as soon as the cause of such interruption is removed, the Company shall, without any delay, deliver said power as aforesaid, and the Commission shall pay for the same.

5. (c) The Company shall have the right at reasonable times and when possible, after due notice has been given to the Commission, to discontinue or reduce, to the extent necessary, the supply of power and energy, or either of them, to the Commission for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals, or replacements to the generating, transforming, transmitting, or other equipment of the Company, but all such interruptions, total or partial, shall be of a minimum duration, and, when possible arranged for at a time least objectionable to the Commission.

During such interruptions, the Commission shall be released from its obligation to pay for such power and energy as the Commission is entitled to receive and the Company fails to deliver or to hold available for the Commission.

5. (d) In case of the failure of the Company at any time to have available and to deliver, as set forth in Clauses 1 and 2, the full amount of the electrical power and energy to which the Commission is entitled under this Agreement, there shall be a proportionate reduction in the monthly sum payable by the Commission to the Company, and, without limiting the generality of the foregoing, any failure of the Company under Sub-clause (b) or Sub-clause (c) of this Clause shall be included as a failure under this Sub-clause (d); the amount of reduction from the amount which would otherwise accrue due from the Commission to the Company during such month shall bear the same ratio to such accrued amount as the average deficiency in horsepower during such month bears to the then contract demand in horsepower; the said average deficiency in horsepower during such month shall be the result determined from dividing the number of hours in the month into the total deficiency in horsepower hours below the Commission's requirements within the contract demand, resulting from all the said total or partial interruptions occurring during the month, as shown by the graphic meter records.

5. (e) If any failure of the Company, as mentioned in Clause 5 (d) is due to causes within the Company's control (any interruptions under Clauses 5 (b) or 5 (c) shall, in no way, be deemed to be in the control of the Company, but financial difficulties shall be deemed to be in the control of the Company), the Company, in addition to the reduction under Clause 5 (d), shall pay to the Commission, as liquidated damages determined beforehand in respect of every such failure, a sum equal to fifty per cent. (50 %) of the said reduction until the Thirty-first day of October, A.D. 1947, and thereafter to one hundred per cent. (100 %) of the said reduction, and the liquidated damages shall be in addition to the said reductions.

6. One or more representatives or engineers of the Commission designated for this purpose, may, at any reasonable time during the continuance of this Agreement, have access to the premises of the Company

for the purpose of inspecting the premises, apparatus, plants, property and electrical and hydraulic records of the Company pertaining to the power developments at which the power supplied under this Agreement is generated, and to take and obtain records therefrom as required.

Representatives of the Company shall have similar rights in respect of the premises, apparatus, plants, property and electrical records of the Commission, pertaining to the power supplied under this Agreement.

7. In case any disagreement, dispute, difference or question shall, at any time hereafter, arise between the Commission and the Company in respect to the construction of this Agreement or concerning anything herein contained, or hereby provided for, or arising thereout, or as to the rights, liabilities or duties of the Commission and the Company, or either of them, the same shall forthwith be referred to a single arbitrator in case the parties can agree upon one, otherwise to two arbitrators, one to be appointed by each party to the difference, and in either case in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, Revised Statutes of Ontario, 1927, chapter 97, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario; the findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively, except that either may appeal from, move to set aside, vary or refer back an award as provided in the said *Arbitration Act*, and except that the right to appeal to the Supreme Court of Canada and to the Privy Council or either of them shall not be limited.

8. For all purposes of this Agreement, the electrical power and energy kept available for delivery to the Commission and delivered to the Commission under this Agreement shall be taken only from the electrical power and energy derived or developed from the water power owned by the Company in fee simple at Masson and High Falls on the du Lievre River.

This Agreement is made subject to the conditions lawfully attached by the Government of the Province of Quebec to the approvals of the plans and specifications of the works from which the power and energy delivered hereunder are obtained as to export of power to the United States.

9. The rates to be paid and payments to be made by the Commission for power and energy under this Agreement, shall, subject to the provisions of this Clause, include all compensation to the Company for all taxes, levies, rentals, royalties, license fees and charges that may be levied, assessed or imposed by the Dominion, Provincial or Municipal or any other authority for or during the term of this Agreement, or any part thereof; if, however, while this Agreement shall continue in force, (a) any Dominion or Provincial taxes or other similar levies (but not any Municipal taxes nor any income taxes) not now in existence be created or any now existing be increased in rate, or, (b) any Dominion or Provincial rentals, royalties, license fees or similar charges for the use of water, not now in existence be created, or any now existing be increased in rate, in such manner as to increase the cost to the Company by reason of these items of the electrical power and energy kept available for and delivered to the Commission under this Agreement, then in each and every such case, an increase shall be made in the payments by the Commission to the Company hereunder which shall, after crediting any reduction in any such items, exactly compensate the Company for the increase thereby occasioned in the cost to the Company of the electrical power and energy kept available for and delivered to the Commission under this Agreement; provided that in the event of any reduction in any such item, the said increase in the payments by the Commission shall be reduced accordingly to the extent of the total of the said increase but no more.

Provided further, that Workmen's Compensation and any rates or charges in respect thereof shall not be deemed to be taxes for the purposes of this Clause and the liabilities and obligations of the Commission shall not in any way be increased thereby but the same shall be borne by the Company; the recently authorized educational tax of the Province of Quebec not yet promulgated shall, for the purposes of this Clause, be regarded as not in existence.



Provided, however, and it is hereby expressly agreed in view of Clause 8 hereof, that all the obligations and liabilities of the Company now existing or which may hereafter arise under or by virtue of two Emphyteutic leases dated respectively the 7th day of November, 1929, and the 5th day of November, 1930, passed before Monsieur Roger Biron and Monsieur Edouard Biron respectively, each of whom is a Notary Public in and for the Province of Quebec and made between the Honourable Honore Mercier, acting in his quality of Minister of Lands and Forests of the Province of Quebec as Lessor, and the Company as Lessee, shall be deemed to have been in existence prior to the date of this Agreement, and that in no event shall any increase be made in the payments by the Commission to the Company or its Assigns under this Agreement, for or in respect of or by reason of any taxes, assessments, tariffs, levies, rentals, royalties, fees, charges or other payments of any kind whatsoever, which are payable or which may hereafter become payable under or by virtue of the said Emphyteutic Leases or either of them, or under any of the provisions contained therein or in any other Provincial Lease or Leases whatsoever.

10. This Agreement shall be binding upon both parties hereto upon its execution, and shall continue in force until the expiry of a period of forty (40) years, which period shall begin on the first day of July, A.D. 1933.

11. The Commission shall be entitled at any time prior to the expiration of thirty (30) days' notice in writing from the Company, delivered after the termination of this Agreement, to remove from the premises of the Company any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.

12. All written notices which are required to be sent hereunder by either party to the other shall be sent by registered letter to such address or addresses as each party may, from time to time, file with the other. The parties agree each to maintain its address on file with the other.

13. The Company covenants and agrees with the Commission that if, at any time hereafter, during the continuance of this Agreement, the Company or any assignee or transferee from the Company should mortgage, hypothecate or charge any of its rights, or immovable property, which are necessary for the development of power or energy, or any part of such property or rights, to secure bonds or debentures or other securities of like nature, any such mortgage, hypothecation or charge shall be expressly made subject to all covenants, agreements and obligations on the part of the Company in this Agreement contained and shall provide that any sale of the property or rights so mortgaged, hypothecated or charged, or any part thereof, under the provisions of such mortgage, hypothecation or charge, shall be made subject to the obligations of the Company in this Agreement contained, and that the premises mortgaged, hypothecated or charged shall not be sold except to a purchaser who shall covenant and agree with the Commission to assume and perform the obligations of the Company in this Agreement contained, and in all respects succeed to the position of the Company hereunder; and it is agreed that all the said provisions shall be conditions of every contract mortgaging, hypothecating or charging the immovable property or rights of the Company or any assignee or transferee, as aforesaid, which are necessary for the development of power or energy, or any part of such property or rights, and shall be expressed therein as stipulations in favour of, and for the benefit of the Commission.

The Company further covenants and agrees with the Commission that it will not assign or transfer any of its plant or immovable property necessary to the development of power or energy except to an assignee or transferee, which shall covenant and agree with the Commission, in such form and manner as the Commission may require, to assume and perform the obligations of the Company in this Agreement contained; any such assignment or transfer shall not relieve the Company from any of its said obligations, and the Company will, if required by the Commission, execute and deliver to the Commission its guarantee in such form as the Commission may require for the full performance of this Agreement by such assignee or transferee.

14. This Agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto, subject to the consent in writing of the Commission to any assignment other than an assignment to an assignee that shall have complied with Clause 13.

In witness whereof the parties hereto have caused this Agreement to be executed under their Corporate Seals, attested by the signatures of their proper officers duly authorized thereto.

WITNESS:

L. C. CHRISTIE.

*Recommended:*

Dec. 20, 1930.

(Sgd.) R. T. JEFFERY,  
Engineering Dept.

Dec. 10, 1930.

(Sgd.) W. GEORGE HANNA,  
Legal Dept.

*Approved:*

Dec. 20, 1930.

(Sgd.) I. B. LUCAS,  
Gen. Solicitor.

Dec. 20, 1930.

(Sgd.) F. A. GABY,  
Chief Engineer.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) C. A. MAGRATH,  
*Chairman.*

(Sgd.) W. W. POPE,  
*Secretary.*

(Seal) HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

THE JAMES MACLAREN CO., LIMITED,

(Sgd.) ALBERT MACLAREN,  
*President.*

.....  
*Secretary.*

(Seal) THE JAMES MACLAREN COMPANY, LIMITED, 1900.

T.H.H.

2

THIS AGREEMENT made in triplicate this 14th day of January, A.D. 1935.

BETWEEN:

THE JAMES MACLAREN COMPANY LIMITED, herein called  
the "MacLaren Company",

OF THE FIRST PART,

MACLAREN-QUEBEC POWER COMPANY, herein called the  
"Power Company",

OF THE SECOND PART,

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,  
herein called the "Commission",

OF THE THIRD PART.

Whereas by an Indenture dated the Twentieth day of December, A.D. 1930, the MacLaren Company therein called the "Company," entered into a contract with the "Commission" therein called the Commission, for the sale of power to the Commission, and also on the same date the Commission gave to the Company a letter supplementary to the said contract, the said contract and supplementary letter being herein referred to as the "Power Contract."

And whereas in the said power contract it was provided as follows:

"The Company further covenants and agrees with the Commission that it will not assign or transfer any of its plant or immovable property necessary to the development of power or energy except to an assignee or transferee, which shall covenant and agree with the Commission, in such form and manner as the Commission may require, to assume and

perform the obligations of the Company in this Agreement contained; any such assignment or transfer shall not relieve the Company from any of its said obligations, and the Company will, if required by the Commission, execute and deliver to the Commission its guarantee in such form as the Commission may require for the full performance of this Agreement by such assignee or transferee."

And whereas the MacLaren Company desires to transfer to the Power Company certain properties and rights of the MacLaren Company including the plant and immovable property of the MacLaren Company necessary for the development of electrical power or energy and also desires to transfer to the Power Company the rights, interest and benefit of the MacLaren Company under or arising out of the said power contract.

Now, therefore, this Agreement witnesseth that for the considerations herein contained the parties hereto covenant, promise and agree as follows:

1. The Power Company hereby covenants and agrees with the Commission to assume, undertake and perform and hereby assumes and undertakes and binds itself to perform all the covenants, agreements and obligations of the MacLaren Company under or arising out of the power contract as fully and effectually as the MacLaren Company itself might or could do.

2. The above mentioned transfer of the said plant and immovable property and of the rights, interest and benefit of the MacLaren Company under or arising out of the power contract shall not release or relieve the MacLaren Company from any obligation contained in the power contract.

3. The MacLaren Company hereby covenants and agrees with the Commission that the Power Company will from time to time and at all times perform all the covenants, agreements and obligations contained in the power contract on the part of the MacLaren Company to be performed, and that if the Power Company shall in any respect whatsoever fail to perform any of the said covenants, agreements and obligations with the Commission in accordance with the power contract, the MacLaren Company will itself perform or cause to be performed the said covenants, agreements and obligations as fully in all respects as if the power contract had never been transferred to the Power Company and the MacLaren Company hereby renounces the benefit of discussion and binds itself jointly and severally with the Power Company for due performance as in this clause above set out.

4. The MacLaren Company further covenants and agrees with the Commission that the Commission may at any time agree with the Power Company to vary the terms of the power contract with the Power Company, or take or receive from the Power Company any security whatsoever to secure performance of the said covenants, agreements and obligations, or grant any extension of time to the Power Company, or deal with the Power Company in any manner whatsoever without releasing the MacLaren Company from any covenants, agreements and obligations contained herein or in the power contract or in the power contract as so varied:

5. The Commission hereby declares that the covenants and agreements of the Power Company contained in Clause 1 of this Agreement are made in the form and manner required by the Commission as contemplated by the above recited paragraph from the said power contract and that the guarantee of the MacLaren Company contained in Clause 3 of this Agreement is made in the form and manner required by the Commission as contemplated by the said above recited paragraph, and the Commission hereby consents to the transfer by the MacLaren Company to the Power Company of the rights, interest and benefit of the MacLaren Company under or arising out of the said power contract, subject always to all the terms and provisions of this Agreement.



In witness whereof the Parties hereto have caused this Agreement to be executed under their corporate seals, attested by the signatures of their proper officers duly authorized thereto.

WITNESS:

	{	THE JAMES MACLAREN COMPANY, LIMITED,	
		(Sgd.) ALBERT MACLAREN, <i>President.</i>	(Seal)
(Sgd.) J. H. COPPING.		(Sgd.) J. A. BRYANT, <i>Secretary.</i>	
		MACLAREN-QUEBEC POWER COMPANY, (Sgd.) ALBERT MACLAREN, <i>President.</i>	(Seal)
(Sgd.) J. H. COPPING.		(Sgd.) J. A. BRYANT, <i>Secretary.</i>	
<i>Recommended:</i>			
January 13, 1931.			
(Sgd.) W. GEORGE HANNA,		THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,	(Seal)
<i>Approved:</i>		(Sgd.) J. R. COOKE, <i>Vice Chairman.</i>	
January 13, 1931.			
(Sgd.) I. B. LUCAS.		(Sgd.) W. W. POPE, <i>Secretary.</i>	
January 14, 1931.			
(Sgd.) F. A. GABY.			







1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1032

[illegible][illegible]

quintessence.

*Veronica*

1864

[illegible]

## BILL

An Act to declare the law with respect to  
The Hydro-Electric Power Commission  
of Ontario and with respect to  
certain invalid contracts.

---

*1st Reading*

April 1st, 1935

*2nd Reading*

April 9th, 1935

*3rd Reading*

April 11th, 1935

---

MR. HEPBURN

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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---

# BILL

An Act to amend The Athletic Commission Act.

---

MR. FAULKNER

---

No. 90

1935

# BILL

An Act to amend The Athletic Commission Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Athletic Commission Amendment Act, 1935*.

Rev. Stat.,  
c. 261, s. 1,  
amended.

2.—(1) Section 1 of *The Athletic Commission Act* is amended by inserting after the word "Council" in the third line the words "who shall hold office during pleasure," so that the said section shall now read as follows:

Establish-  
ment of  
commission.

1. There shall be established a commission to be composed of five persons appointed by the Lieutenant-Governor in Council who shall hold office during pleasure and the commission shall be a body corporate under the name of the "Ontario Athletic Commission" herein-after called "the commission."

Rev. Stat.,  
c. 261, s. 1,  
amended.

(2)\* The said section 1 is amended by adding thereto the following subsections:

Appoint-  
ment of  
members of  
Assembly.

- (2) Any member of the Legislative Assembly may be appointed as a member of the commission.

Administra-  
tion of  
Act.

- (3) The administration of this Act shall be under the direction and control of the Minister of Health.

Rev. Stat.,  
c. 261, s. 6,  
amended.

3. Section 6 of *The Athletic Commission Act* is amended by adding thereto the following subsection:

Payment of  
member of  
Assembly  
acting on  
commission.

- (2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the chairman or of any other member of the commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or



#### EXPLANATORY NOTES

SECTION 2.—(1) This amendment provides that the members of the Ontario Athletic Commission shall hold office during pleasure.

SECTION 2.—(2) The proposed subsection (2) will allow any member of the Legislative Assembly to be appointed to the Ontario Athletic Commission.

The proposed subsection (3) provides that the Act shall be administered by the Minister of Health.

SECTION 3. The object of this amendment is to provide that any member of the Legislative Assembly who has been appointed to the Ontario Athletic Commission may accept remuneration for out-of-pocket expenses without being disqualified under the provisions of *The Legislative Assembly Act*.

incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly.

Commence-  
ment of  
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Athletic Commission  
Act

---

*1st Reading*

April 1st, 1935

*2nd Reading*

*3rd Reading*

---

MR. FAULKNER

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

---

# BILL

An Act to amend The Athletic Commission Act.

---

MR. FAULKNER

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No. 90

1935

# BILL

An Act to amend The Athletic Commission Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Athletic Commission Amendment Act, 1935*.

Rev. Stat.,  
c. 261, s. 1,  
amended.

2.—(1) Section 1 of *The Athletic Commission Act* is amended by inserting after the word "Council" in the third line the words "who shall hold office during pleasure," so that the said section shall now read as follows:

Establish-  
ment of  
commission.

1. There shall be established a commission to be composed of five persons appointed by the Lieutenant-Governor in Council who shall hold office during pleasure and the commission shall be a body corporate under the name of the "Ontario Athletic Commission" hereinafter called "the commission."

Rev. Stat.,  
c. 261, s. 1,  
amended.

(2) The said section 1 is amended by adding thereto the following subsections:

Appoint-  
ment of  
members of  
Assembly.

(2) Any member of the Legislative Assembly may be appointed as a member of the commission.

Administra-  
tion of  
Act.

(3) The administration of this Act shall be under the direction and control of the Minister of Health.

Rev. Stat.,  
c. 261, s. 6,  
amended.

3. Section 6 of *The Athletic Commission Act* is amended by adding thereto the following subsection:

Payment of  
member of  
Assembly  
acting on  
commission.

(2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the chairman or of any other member of the commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or

incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly.

4. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commence-  
ment of  
Act.</sup>

BILL

An Act to amend The Athletic Commission  
Act

---

*1st Reading*

April 1st, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

---

MR. FAULKNER

---



1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

---

# BILL

An Act to amend The Election Act.

---

MR. ROEBUCK

---

No. 91

1935

# BILL

## An Act to amend The Election Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Election Amendment Act, 1935*.

Rev. Stat.,  
c. 8, s. 21,  
subs. 2,  
cl. (c),  
re-enacted.

2.—(1) Clause *c* of subsection 2 of section 21 of *The Election Act* is repealed and the following substituted therefor:

When  
women to  
be deemed  
British  
subjects.

(c) If she has become a British subject by the naturalization as a British subject of her parent while she was a minor, and has not become a subject of any foreign power or a citizen of any foreign state.

(d) If she is married to, or being a widow, is the widow of a British subject and since such marriage has not done any act to cause herself to become a subject of any foreign power or a citizen of any foreign state.

Rev. Stat.,  
c. 8, s. 21,  
amended.

(2) The said section 21 is amended by adding thereto the following subsection:

Evidence  
of facts.

(2a) For the purposes of this section the statements of any person claiming to be a British subject shall be *prima facie* evidence of the facts stated.

Rev. Stat.,  
c. 8, s. 91,  
amended.

3. Section 91 of *The Election Act* is amended by striking out the word and figures "(Forms 21-25)" at the end of the said section and inserting in lieu thereof the words and figures "of qualification (Forms 21-25) and the oath of allegiance (Form 3) or whichever is required to be taken," so that the said section shall now read as follows:

Persons on  
polling  
list to be  
allowed to  
vote on  
taking  
oath if  
required.

91. Subject to the provisions of sections 84 and 92, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person, where

#### EXPLANATORY NOTES

SECTION 2. The amendment dispenses with the provision requiring foreign born women to obtain the certificate of a judge before they may vote.

SECTION 3. The amendment permits a deputy returning officer, a candidate or his agent to require any voter to take the oath of allegiance.

required by a candidate, or his agent, or by the deputy returning officer, takes the oath of qualification (Forms 21-25) and the oath of allegiance (Form 3) or whichever is required to be taken.

Rev. Stat.,  
c. 8, s. 92,  
subs. 3,  
amended.

4. Subsection 3 of section 92 of *The Election Act* is amended by inserting after the word "applicant" in the second line the words and figure "the oath of allegiance (Form 3) and," so that the said subsection shall now read as follows:

Voter  
to take  
oath.

(3) The deputy returning officer shall then administer to the applicant the oath of allegiance (Form 3) and the proper oath to be administered to voters (Forms 21, 22 and 23) (leaving out paragraph 1 in this oath), and shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

Rev. Stat.,  
c. 8, Forms  
1, 3, 21, 22  
and 25,  
re-enacted.

5. Forms 1, 3, 21, 22 and 25 in the Schedule of Forms to *The Election Act* are repealed and the forms set out in the Schedule to this Act, substituted therefor.

Commence-  
ment of  
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 4. Where a voter's name is omitted from the polling list in any of the cases coming under section 92, he shall take the oath of allegiance as well as the oath of qualification.

SCHEDULE—FORM 1. This is amended to make the oath conform with clause (c) of subsection 2 of section 21 as re-enacted by this Bill.

FORM 3. The oath of allegiance replaces the form of judge's certificate which was formerly Form 3.

FORM 21. This is amended to make the form of oath conform with the 1934 amendments to the Act.

FORM 22. This is amended to make the oath conform with the 1934 amendments to the Act and clause (c) of subsection 2 of section 21 as re-enacted by this Bill.

FORM 25. This is amended to make the oath comply with clause (c) of subsection 2 of section 21 as re-enacted by this Bill.



## SCHEDULE

## FORM 1.

(Referred to in Section 19).

AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST AFTER CHANGE  
OF RESIDENCE.

I, (insert full Christian name and surname) of the (city, town, village or township) of (name of municipality), (occupation), make oath and say (or in the case of a voter entitled to affirm), solemnly affirm—

1. That I am of the full age of twenty-one years (or I will be of the full age of twenty-one years on the       day of       , being the date fixed for holding the poll at this election).

IN THE CASE OF A MALE VOTER.

2. That I am a British subject;

or

2. That I am a British subject by virtue of my naturalization before the 12th day of April, 1917;

or

2. That I am a British subject by virtue of my naturalization under *The Naturalization Act, 1914*, (or under *The Naturalization Act, 1918*).]

[IN THE CASE OF A FEMALE VOTER.

2. That I am a British subject by birth and am unmarried (or am married to a British subject);

or

2. That I am a British subject by virtue of my naturalization in my own right before the 12th day of April, 1917, (or by virtue of my naturalization in my own right under *The Naturalization Act, 1914*, or under *The Naturalization Act, 1918*);

or

2. That I am a British subject by virtue of the naturalization of my parent as a British subject while I was a minor and have not become a subject of any foreign power or citizen of any foreign state;

or

2. That I am married to (or being a widow, I am the widow of) a British subject and since my marriage to such British subject I have not done any act to cause myself to become a subject of any foreign power or a citizen of any foreign state.]

3. That I have resided within the Dominion of Canada since the day of       (naming a date twelve months prior to the date fixed for holding the poll).

4. I was a resident of and domiciled in (state municipality from which removal took place) and was entered on the last revised voters' list for that municipality (or was entitled to be entered on the last revised voters' list for such municipality).



5. That had I remained a resident of such municipality I would have been entitled to be entered on the voters' list and to vote at this election thereir.

6. That on the            day of            (*insert date of removal*) I removed from the said municipality to this city, (town, village or township), and am now resident at (*insert street number, lot and concession of place of residence*), and that such removal took place in the pursuit of my ordinary profession (*or occupation or calling*) and not for the purpose of enabling me to vote at this election in this municipality.

[*Or, in the case of a person who has moved from one electoral district to another as a member of the family or household, of a person who has so moved in the pursuit of his ordinary occupation or calling or business.*]

6. That on the            day of            (*insert date of removal*) I moved from the said municipality to this city, (town, village or township) with C. D. as a member of his family or household being the wife (*or son or daughter or other relation or dependent, naming the relationship or connection*) of the said C. D., who moved as aforesaid in the pursuit of his ordinary profession (*or occupation or calling*) and not as I verily believe for the purpose of enabling him or the members of his family to vote at this election.]

7. That I am now a resident of and domiciled in this municipality.

8. That I am not disqualified from voting at this election under *The Election Act* or under *The Disqualification Act, 1919*, or otherwise by law prohibited from voting or from being entered upon the list.

9. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (*or affirmed*) before me

at

this      day of            19      .

C.D.,  
Commissioner, etc.

A. B.  
(*Signature of applicant*).

### FORM 3.

(*Referred to in Sections 91 and 92*).

#### FORM OF OATH OF ALLEGIANCE.

You swear (*a*) that you will be faithful and bear true allegiance to His Majesty, King George the Fifth (*or the reigning Sovereign for the time being*) as lawful Sovereign of Great Britain, Ireland and the Dominions beyond the Seas, and that you will defend Him to the utmost of your power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity, and that you will do your utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which you may know to be against Him or any of them; And all this you do swear without any equivocation, mental evasion or secret reservation; So help you God.

NOTE.—(*a*) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."



## FORM 21.

*(Referred to in Sections 91 and 92).*

## FORM OF OATH TO BE ADMINISTERED TO MALE VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 1.

You swear (a)

1. That you are the person named by the name of in the polling list now shown to you *(or where a voter votes under a certificate given under section 83 of The Election Act)*, that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years;

3. That you are a British subject by birth,—

*or, at the option of the voter.*

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 *(or by virtue of your naturalization under The Naturalization Act, 1914, or under The Naturalization Act, 1918).*

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past. (b).

6. That you were resident in this electoral district at the date of the issue of the writ of election and have resided continuously since that date—(b)—and now are actually resident and domiciled therein.

*(This to be used in cities, separated towns or townships to which Part IIIA of The Voters Lists Act applies).*

*(or, at the option of the voter).*

6. That you have resided in this municipality continuously for two months next preceding the day of polling—(b)—and are now actually resident and domiciled therein.

*(This applies to all electoral districts to which Part IIIA of The Voters Lists Act does not apply).*

*(or, at the option of the voter).*

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act* and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

*(This to be used in the case of a voter who is the holder of a certificate issued under section 19).*

7. That you are not disqualified from voting at this election, and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised you, directly, or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.





10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be.

## FORM 22.

(Referred to in Sections 91 and 92).

### FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 1.

You swear (a)

1. That you are the person named by the name of in the polling list now shown to you (*or where a voter votes under a certificate given under section 83 of The Election Act*), that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried (*or are married to a British subject*).

*or*

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, (*or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April, 1917*);

*or*

3. That you are a British subject by virtue of the naturalization of your parent as a British subject while you were a minor and have not become a subject of any foreign power or a citizen of any foreign state;

*or*

3. That you are married to (*or being a widow, you are the widow of*) a British subject and since your marriage to such British subject you have not done any act to cause yourself to become a subject of any foreign power or a citizen of any foreign state.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past.

6. That you were resident in this electoral district at the date of the issue of the writ of election and have resided continuously since that date—(b)—and now are actually resident and domiciled therein.

(This to be used in cities, separated towns or townships to which Part IIIA of *The Voters' Lists Act* applies).

*or*

6. That you have resided in this municipality continuously for two months next preceding the day of polling—(b)—and are now actually resident and domiciled therein.

(This applies to all electoral districts to which Part IIIA of *The Voters' Lists Act* does not apply).



or

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act*, and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

(This to be used in the case of a voter who is the holder of a certificate issued under section 19).

7. That you are not disqualified from voting at this election and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

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NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words "except occasionally or temporarily, or as a student in an institution of learning in Canada, that is to say (naming the institution) as the case may be."

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## FORM 25.

(Section 18, Paragraph 3).

### FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)

1. That you are the person named or intended to be named in the polling list now shown to you (*or where a voter votes under a certificate given under section 83 of The Election Act, that you are the person named in the certificate now shown to you*).

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried (*or are married to a British subject*).

(*or, at the option of the voter*).

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, (*or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April, 1917*).

(*or, at the option of the voter*).

3. That you are a British subject by virtue of the naturalization of your parent as a British subject while you were a minor and have not become a subject of any foreign power or a citizen of any foreign state.

(*or, at the option of the voter*).

3. That you are married to (*or being a widow, you are the widow of*) a British subject and since your marriage to such British subject you





have not done any act to cause yourself to become a subject of any foreign power or a citizen of any foreign state.

4. That you are not a citizen or subject of any foreign country.
5. That you have resided in the Province of Ontario for the twelve months last past.
6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list is prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.
7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.
8. That you have not voted before at this election at this or any other polling place.
9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.
10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

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NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."







BILL

An Act to amend The Election Act.

---

*1st Reading*

April 2nd, 1935

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

---



1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

---

# BILL

An Act to amend The Election Act.

---

MR. ROEBUCK

---

No. 91

1935

# BILL

## An Act to amend The Election Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Election Amendment Act, 1935*.

Rev. Stat.,  
c. 8, s. 21,  
subs. 2,  
cl. (c),  
re-enacted.

2.—(1) Clause *c* of subsection 2 of section 21 of *The Election Act* is repealed and the following substituted therefor:

When  
women to  
be deemed  
British  
subjects.

(c) If she has become a British subject by the naturalization as a British subject of her parent while she was a minor, and has not become a subject of any foreign power or a citizen of any foreign state;

(d) If she is married to, or being a widow, is the widow of a British subject and since such marriage has not done any act to cause herself to become a subject of any foreign power or a citizen of any foreign state.

Rev. Stat.,  
c. 8, s. 21,  
amended.

(2) The said section 21 is amended by adding thereto the following subsection:

Evidence  
of facts.

(2a) For the purposes of this section the statements of any person claiming to be a British subject shall be *prima facie* evidence of the facts stated.

Rev. Stat.,  
c. 8, s. 91,  
amended.

3. Section 91 of *The Election Act* is amended by striking out the word and figures "(Forms 21-25)" at the end of the said section and inserting in lieu thereof the words and figures "of qualification (Forms 21-25) and the oath of allegiance (Form 3) or whichever is required to be taken," so that the said section shall now read as follows:

Persons on  
polling  
list to be  
allowed to  
vote on  
taking  
oath if  
required.

91. Subject to the provisions of sections 84 and 92, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person, where

required by a candidate, or his agent, or by the deputy returning officer, takes the oath of qualification (Forms 21-25) and the oath of allegiance (Form 3) or whichever is required to be taken.

4. Subsection 3 of section 92 of *The Election Act* is amended by inserting after the word "applicant" in the second line the words and figure "the oath of allegiance (Form 3) and," so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 8, s. 92,  
subs. 3,  
amended.

(3) The deputy returning officer shall then administer to the applicant the oath of allegiance (Form 3) and the proper oath to be administered to voters (Forms 21, 22 and 23) (leaving out paragraph 1 in this oath), and shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

Voter  
to take  
oath.

5. Forms 1, 3, 21, 22 and 25 in the Schedule of Forms to *The Election Act* are repealed and the forms set out in the Schedule to this Act, substituted therefor.

Rev. Stat.,  
c. 8, Forms  
1, 3, 21, 22  
and 25,  
re-enacted.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## SCHEDULE

## FORM 1.

(Referred to in Section 19).

AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST AFTER CHANGE  
OF RESIDENCE.

I, (*insert full Christian name and surname*) of the (city, town, village  
or township) of (*name of municipality*), (*occupation*), make oath and say  
(*or in the case of a voter entitled to affirm*), solemnly affirm—

1. That I am of the full age of twenty-one years (*or I will be of the*  
full age of twenty-one years on the      day of      , being  
the date fixed for holding the poll at this election).

IN THE CASE OF A MALE VOTER.

2. That I am a British subject;

*or*

2. That I am a British subject by virtue of my naturalization before  
the 12th day of April, 1917;

*or*

2. That I am a British subject by virtue of my naturalization under  
*The Naturalization Act, 1914, (or under The Naturalization Act, 1918).*]

[IN THE CASE OF A FEMALE VOTER.

2. That I am a British subject by birth and am unmarried (*or am*  
married to a British subject);

*or*

2. That I am a British subject by virtue of my naturalization in my  
own right before the 12th day of April, 1917, (*or by virtue of my naturali-*  
*zation in my own right under The Naturalization Act, 1914, or under The*  
*Naturalization Act, 1918);*

*or*

2. That I am a British subject by virtue of the naturalization of my  
parent as a British subject while I was a minor and have not become a  
subject of any foreign power or citizen of any foreign state;

*or*

2. That I am married to (*or being a widow, I am the widow of*) a  
British subject and since my marriage to such British subject I have  
not done any act to cause myself to become a subject of any foreign  
power or a citizen of any foreign state.]

3. That I have resided within the Dominion of Canada since the  
day of      (*naming a date twelve months prior to the date*  
*fixed for holding the poll*).

4. I was a resident of and domiciled in (*state municipality from which*  
*removal took place*) and was entered on the last revised voters' list for  
that municipality (*or was entitled to be entered on the last revised voters'*  
*list for such municipality*).

5. That had I remained a resident of such municipality I would have been entitled to be entered on the voters' list and to vote at this election thereir.

6. That on the            day of            (*insert date of removal*) I removed from the said municipality to this city, (town, village or township), and am now resident at (*insert street number, lot and concession of place of residence*), and that such removal took place in the pursuit of my ordinary profession (*or occupation or calling*) and not for the purpose of enabling me to vote at this election in this municipality.

[*Or, in the case of a person who has moved from one electoral district to another as a member of the family or household, of a person who has so moved in the pursuit of his ordinary occupation or calling or business.*]

6. That on the            day of            (*insert date of removal*) I moved from the said municipality to this city, (town, village or township) with C. D. as a member of his family or household being the wife (*or son or daughter or other relation or dependent, naming the relationship or connection*) of the said C. D., who moved as aforesaid in the pursuit of his ordinary profession (*or occupation or calling*) and not as I verily believe for the purpose of enabling him or the members of his family to vote at this election.]

7. That I am now a resident of and domiciled in this municipality.

8. That I am not disqualified from voting at this election under *The Election Act* or under *The Disqualification Act, 1919*, or otherwise by law prohibited from voting or from being entered upon the list.

9. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (*or affirmed*) before me

at

this      day of            19      .

C.D.,  
Commissioner, etc.

A. B.  
(*Signature of applicant*).

### FORM 3.

(*Referred to in Sections 91 and 92*).

#### FORM OF OATH OF ALLEGIANCE.

You swear (*a*) that you will be faithful and bear true allegiance to His Majesty, King George the Fifth (*or the reigning Sovereign for the time being*) as lawful Sovereign of Great Britain, Ireland and the Dominions beyond the Seas, and that you will defend Him to the utmost of your power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity, and that you will do your utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which you may know to be against Him or any of them; And all this you do swear without any equivocation, mental evasion or secret reservation; So help you God.

NOTE.—(*a*) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."



## FORM 21.

*(Referred to in Sections 91 and 92).*

## FORM OF OATH TO BE ADMINISTERED TO MALE VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 1.

You swear (a)

1. That you are the person named by the name of in the polling list now shown to you *(or where a voter votes under a certificate given under section 83 of The Election Act)*, that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years;

3. That you are a British subject by birth,—

*or, at the option of the voter.*

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 *(or by virtue of your naturalization under The Naturalization Act, 1914, or under The Naturalization Act, 1918)*.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past. (b).

6. That you were resident in this electoral district at the date of the issue of the writ of election and have resided continuously since that date—(b)—and now are actually resident and domiciled therein.

*(This to be used in cities, separated towns or townships to which Part IIIA of The Voters Lists Act applies).*

*(or, at the option of the voter).*

6. That you have resided in this municipality continuously for two months next preceding the day of polling—(b)—and are now actually resident and domiciled therein.

*(This applies to all electoral districts to which Part IIIA of The Voters' Lists Act does not apply).*

*(or, at the option of the voter).*

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act* and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

*(This to be used in the case of a voter who is the holder of a certificate issued under section 19).*

7. That you are not disqualified from voting at this election, and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised you, directly, or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be."

## FORM 22.

(Referred to in Sections 91 and 92).

### FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 1.

You swear (a)

1. That you are the person named by the name of in the polling list now shown to you (*or where a voter votes under a certificate given under section 83 of The Election Act*), that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried (*or are married to a British subject*).

*or*

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, (*or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April, 1917*);

*or*

3. That you are a British subject by virtue of the naturalization of your parent as a British subject while you were a minor and have not become a subject of any foreign power or a citizen of any foreign state;

*or*

3. That you are married to (*or being a widow, you are the widow of*) a British subject and since your marriage to such British subject you have not done any act to cause yourself to become a subject of any foreign power or a citizen of any foreign state.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past.

6. That you were resident in this electoral district at the date of the issue of the writ of election and have resided continuously since that date—(b)—and now are actually resident and domiciled therein.

(This to be used in cities, separated towns or townships to which Part IIIA of *The Voters' Lists Act* applies).

*or*

6. That you have resided in this municipality continuously for two months next preceding the day of polling—(b)—and are now actually resident and domiciled therein.

(This applies to all electoral districts to which Part IIIA of *The Voters' Lists Act* does not apply).

or

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act*, and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

(This to be used in the case of a voter who is the holder of a certificate issued under section 19).

7. That you are not disqualified from voting at this election and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

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NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words "except occasionally or temporarily, or as a student in an institution of learning in Canada, that is to say (*naming the institution*) as the case may be."

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## FORM 25.

(Section 18, Paragraph 3).

### FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)

1. That you are the person named or intended to be named in the polling list now shown to you (*or where a voter votes under a certificate given under section 83 of The Election Act, that you are the person named in the certificate now shown to you*).

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried (*or are married to a British subject*).

(*or, at the option of the voter*).

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, (*or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April, 1917*).

(*or, at the option of the voter*).

3. That you are a British subject by virtue of the naturalization of your parent as a British subject while you were a minor and have not become a subject of any foreign power or a citizen of any foreign state.

(*or, at the option of the voter*).

3. That you are married to (*or being a widow, you are the widow of*) a British subject and since your marriage to such British subject you

have not done any act to cause yourself to become a subject of any foreign power or a citizen of any foreign state.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided in the Province of Ontario for the twelve months last past.

6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list is prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.

7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

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NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."







BILL

An Act to amend The Election Act.

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*1st Reading*

April 2nd, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Registry Act.

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MR. McQUESTEN

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No. 92

1935

# BILL

An Act to amend The Registry Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Registry Amendment Act, 1935*.

Rev. Stat.,  
c. 155, s. 80,  
amended.

**2.** Section 80 of *The Registry Act* is amended by adding thereto the following subsection:

Minister of  
Highways  
to approve  
certain  
plans.

(13a) No plan of lands abutting upon the King's Highway or upon any road forming part of a county road system shall be registered unless it has been approved by the Minister of Highways.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to prevent the registration of a plan of land abutting on the King's Highway or a road forming part of a county road system unless such plan has been approved by the Minister of Highways.



BILL

An Act to amend The Registry Act.

---

*1st Reading*

April 2nd, 1935

*2nd Reading*

*3rd Reading*

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MR. McQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Registry Act.

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MR. MCQUESTEN

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No. 92

1935

# BILL

An Act to amend The Registry Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Registry Amendment Act, 1935*.

Rev. Stat.,  
c. 155, s. 80,  
amended.      **2.** Section 80 of *The Registry Act* is amended by adding thereto the following subsection:

Minister of  
Highways  
to approve  
certain  
plans.      (13a) No plan of lands abutting upon the King's Highway or upon any road forming part of a county road system shall be registered unless it has been approved by the Minister of Highways.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Registry Act.

---

*1st Reading*

April 2nd, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

---

MR. McQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Municipal Act.

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MR. ASMUSSEN

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# BILL

## An Act to amend The Municipal Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 233, s. 52,  
subs. s. 1, 2  
and 3,  
repealed.

1. Subsections 1, 2 and 3 of section 52 of *The Municipal Act* are repealed and the following substituted therefor:

Qualification  
of members  
of councils.

- (1) Every person shall be qualified to be elected as member of the council of a local municipality who
  - (a) Resides in or within five miles of the municipality;
  - (b) Is a British subject;
  - (c) Is of the full age of twenty-one years;
  - (d) Is not disqualified under this or any other Act;
  - (e) In any municipality is at the time of the election in actual occupation of a freehold estate rated in his or her own name or in the name of his wife or her husband, as the case may be, on the last revised assessment roll of the municipality for at least \$500 in a municipality having a population of less than 3000, and for at least \$1,000 in a municipality having a population of 3000 or over, and of which he or she is the owner, and against the land in respect of which he or she qualifies there are at the time of the election no taxes of a preceding year or years overdue and unpaid; or
  - (f) Is at the time of the election the tenant in actual occupation of a freehold or leasehold estate or partly freehold and partly leasehold estate, legal or equitable, or partly legal and partly equitable, in land assessed in his or

#### EXPLANATORY NOTES

The object of this Bill is to restore property qualification as a requirement before any person may be elected as a member of a municipal council.

Previous to 1920 candidates for council had to possess certain property qualifications but during the past fourteen years or so these qualifications have not been necessary.

It is possible, under the present law, for a tenant who may be more or less of a temporary resident to be elected as a member of council even although his rent is greatly in arrears and the taxes upon the property occupied by him are also in arrears. An owner, however, cannot qualify as a member of council if he owes any taxes.

The Bill substantially restores the former qualifications except that an owner may be elected as member of council in municipalities with the smaller population if he is rated for not less than \$500 and in the larger municipalities if he is rated for not less than \$1,000, and if he does not owe any arrears of taxes from previous years.

A tenant may qualify if he is rated for the same amount as an owner, has been in actual occupation for a year prior to election, does not owe more than three months rent, and if no arrears of taxes from previous years are owing upon the property he occupies.

her name on the last revised assessment roll of the municipality for at least \$500 in a municipality having a population of less than 3000, and for at least \$1,000 in a municipality having a population of 3000 or over, and of which he or she has been the tenant in actual and continuous occupation for not less than twelve months prior to the time of election, and in respect of which he or she owes not more than three months rent, and against which land there are at the time of the election no taxes of a preceding year or years overdue and unpaid.

Application  
of subs. 4  
and 5 of  
s. 56.

- (2) Subsections 4 and 5 of section 56 shall apply to the rating qualifications prescribed by this section.

"Leasehold,"  
"leasehold  
estate,"—  
meaning of

- (3) In this section "leasehold" and "leasehold estate" shall mean a tenancy for one year or more or a tenancy from year to year.

Rev. Stat.,  
c. 233, s. 53,  
subs. 1,  
cl. (r),  
(1931,  
c. 50, s. 6),  
and cl. (s),  
re-enacted.

**2.** Clause (r) of subsection 1 of section 53 of *The Municipal Act* as re-enacted by section 6 of *The Municipal Amendment Act, 1931*, and clause (s) of subsection 1 of the said section 53 are repealed and the following substituted therefor:

- (r) An owner or tenant against whose land in respect of which he qualifies there are at the time of the election any taxes of a preceding year or years overdue and unpaid.
- (s) A tenant who at the time of the election owes more than three months rent upon the property in respect of which he qualifies.









BILL

An Act to amend The Municipal Act.

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*1st Reading*

April 3rd, 1935

*2nd Reading*

*3rd Reading*

---

MR. ASMUSSEN

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Burial of Veterans of the Great War.

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MR. FAULKNER

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# BILL

## An Act respecting Burial of Veterans of the Great War.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Burial of War Veterans Act, 1935*.

Liability of municipality for burial of veterans.      **2.** In the event of the death of any person who is an indigent person and who was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from the Last Post Fund, the municipality in which such person resided at the time of his death shall pay the expenses of such burial, but not exceeding the sum of \$15 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

1931, c. 78, s. 21, subs. 2, repealed.      **3.** Subsection 2 of section 21 of *The Public Hospitals Act, 1931*, is repealed.

1931, c. 76, s. 40, subs. 2, repealed.      **4.** Subsection 2 of section 40 of *The Sanatoria for Consumptives Act, 1931*, is repealed.

Commencement of Act.      **5.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTES

This Act is to effect certain changes in the liability of a municipality for the burial of indigents of the Great War.

At the present time under the provisions of subsection 2 of section 21 of *The Public Hospitals Act, 1931*, and subsection 2 of section 40 of *The Sanatoria for Consumptives Act, 1931*, each municipality is liable to the extent of \$30 for the burial of each indigent Great War Veteran who dies in a hospital or sanatorium. In this Act these provisions are repealed and the provisions of section 2 of this Act are substituted therefor.

Section 2 of this Act provides that each municipality is liable in the sum of \$15 for the burial of each indigent War Veteran who is a resident of such municipality whether he dies in a hospital or elsewhere.

BILL

An Act respecting Burial of Veterans of the  
Great War.

---

*1st Reading*

April 3rd, 1935

*2nd Reading*

*3rd Reading*

---

MR. FAULKNER.

---

No. 94

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Burial of Veterans of the Great War.

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MR. FAULKNER

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No. 94

1935

# BILL

## An Act respecting Burial of Veterans of the Great War.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Burial of War Veterans Act, 1935*.

Liability of municipality for burial of veterans.      **2.** In the event of the death of any person who is an indigent person and who was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from the Last Post Fund, the municipality in which such person resided at the time of his death shall pay the expenses of such burial, but not exceeding the sum of \$15 to the Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

1931, c. 78, s. 21, subs. 2, repealed.      **3.** Subsection 2 of section 21 of *The Public Hospitals Act, 1931*, is repealed.

1931, c. 76, s. 40, subs. 2, repealed.      **4.** Subsection 2 of section 40 of *The Sanatoria for Consumptives Act, 1931*, is repealed.

In case of workman, compensation payable to Last Post Fund.      **5.** In the event of the death of any workman who was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from the Last Post Fund, the necessary expenses of the burial payable under the provisions of clause a of subsection 1 of section 35 of *The Workmen's Compensation Act* not exceeding \$100 shall be paid to the Last Post Fund.

Commencement of Act.      **6.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act respecting Burial of Veterans of the  
Great War.

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*1st Reading*

April 3rd, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. FAULKNER.

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Psychiatric Hospitals Act.

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MR. FAULKNER

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# BILL

## An Act to amend The Psychiatric Hospitals Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1935*.

Rev. Stat.,  
c. 354,  
amended.

**2.** *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Residents  
of township  
of York.

9a.—(1) Any person who is a resident of the township of York may be admitted to the Toronto Psychiatric Hospital in the manner prescribed by clauses *a* to *e* of subsection 1 of section 9, and any judge or magistrate having jurisdiction in the township of York shall have authority to issue the order required by clause *e* of subsection 1 of section 9.

When  
admission  
may be  
refused.

(2) The superintendent of the Toronto Psychiatric Hospital or the officer in charge of the admission of patients may refuse the admission of any person under this section when, in his opinion, there is not sufficient accommodation or when, in his opinion, the accommodation is sufficient only to provide for the admission of residents of the city of Toronto.

Application  
of certain  
provisions of  
Act to  
patients  
from  
township.

(3) The provisions of subsection 5 of section 9 and of sections 11, 12 and 18 shall apply to the corporation of the township of York with respect to patients in the said hospital who are residents of the said township.

Application  
of general  
provisions of  
Act, etc.

(4) All the provisions of this Act and regulations not inconsistent with this section shall apply to any person admitted under this section.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of this amendment is to enable residents of the Township of York to be admitted to the Toronto Psychiatric Hospital.

BILL

An Act to amend The Psychiatric  
Hospitals Act.

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*1st Reading*

April 3rd, 1935

*2nd Reading*

*3rd Reading.*

---

MR. FAULKNER.

---



1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Psychiatric Hospitals Act.

---

MR. FAULKNER

---

# BILL

## An Act to amend The Psychiatric Hospitals Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1935*.

Rev. Stat.,  
c. 354,  
amended.      **2.** *The Psychiatric Hospitals Act* is amended by adding thereto the following section:

Residents  
of township  
of York.      **9a.**—(1) Any person who is a resident of the township of York may be admitted to the Toronto Psychiatric Hospital in the manner prescribed by clauses *a* to *e* of subsection 1 of section 9, and any judge or magistrate having jurisdiction in the township of York shall have authority to issue the order required by clause *e* of subsection 1 of section 9.

When  
admission  
may be  
refused.      (2) The superintendent of the Toronto Psychiatric Hospital or the officer in charge of the admission of patients may refuse the admission of any person under this section when, in his opinion, there is not sufficient accommodation or when, in his opinion, the accommodation is sufficient only to provide for the admission of residents of the city of Toronto.

Application  
of certain  
provisions of  
Act to  
patients  
from  
township.      (3) The provisions of subsection 5 of section 9 and of sections 11, 12 and 18 shall apply to the corporation of the township of York with respect to patients in the said hospital who are residents of the said township.

Application  
of general  
provisions of  
Act, etc.      (4) All the provisions of this Act and regulations not inconsistent with this section shall apply to any person admitted under this section.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Psychiatric  
Hospitals Act.

---

*1st Reading*

April 3rd, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. FAULKNER.

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Milk Control Act, 1934.

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MR. MARSHALL

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No. 96

1935

# BILL

An Act to amend The Milk Control Act, 1934.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Milk Control Amendment Act, 1935*.

1934, c. 30,  
amended.      **2.** *The Milk Control Act, 1934*, is amended by adding thereto the following section:

"Milk."      **1a.** In this Act, unless the context otherwise requires, "milk" shall include whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter and cheese.

1934,  
c. 30, s. 2,  
subs. 5,  
re-enacted.      **3.** Subsection 5 of section 2 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

Expenses  
of board.      **(5)** All moneys required for the purpose of this Act shall be paid out of any sum appropriated by the Legislature and voted by the Assembly for that purpose.

1934, c. 30,  
amended.      **4.** *The Milk Control Act, 1934*, is amended by adding thereto the following section:

Licenses  
required.      **2a.—(1)** No person shall, directly or indirectly, engage in or carry on the business of supplying, distributing, transporting, processing or selling milk unless such person is the holder of a license issued by the board.

Exception.      **(2)** This section shall not apply to those persons or classes of persons designated by the board in regulations passed under the authority of this Act.

1934,  
c. 30, s. 3,  
re-enacted.      **5.** Section 3 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

Duty and  
powers of  
board.      **3.** It shall be the duty of the board and it shall have power,—

#### EXPLANATORY NOTES

SECTION 2. Defines "milk" for the purposes of the Act.

SECTION 3. Provides that the expenses of the board shall be paid from an appropriation voted by the Legislative Assembly. Previously they were paid out of the Consolidated Revenue Fund.

SECTION 4. Provides that persons engaged in the milk industry shall be licensed but gives the board authority to exempt certain classes of persons from the licensing requirement.

SECTION 5. Imposes on the board the duty of making inquiry, arbitrating disputes and prohibiting certain disruptive practices in the milk industry.

- (a) upon its own initiative or upon complaint to inquire into any matter relating to the production, transportation, processing, distribution or sale of milk;
- (b) to arbitrate, adjust and settle disputes arising between producers, consumers, processors, distributors and transporters of milk or between any two or more classes of such persons engaged in the milk industry;
- (c) to prohibit in the Province any sale or delivery of milk or of cream or of milk and cream alone or in combination with any other article of trade, at a price lower than the current price of milk or cream or of a combination of milk or cream with any other article;
- (d) to prohibit milk distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or other equipment in order that such producers may obtain or retain a market for their milk;
- (e) to prohibit milk distributors from terminating the purchase of milk from a producer without just cause unless fifteen days' notice is given;

and in each case shall make such order as it deems just, having regard to the circumstances.

1934,  
c. 30, s. 4,  
re-enacted.

**6.** Section 4 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

When issue  
of license  
prohibited.

4. No license shall be granted to a milk distributor unless the board is satisfied that the applicant is qualified by experience, financial responsibility and equipment to properly conduct the proposed business, and that the issuance of the license is in the public interest.

1934, c. 30,  
amended.

**7.** *The Milk Control Act, 1934*, is amended by adding thereto the following sections:

Power of  
board to  
refuse or  
revoke  
license.

- 4a. Subject to the provisions of section 4 of this Act the board may refuse to grant or renew a license or may suspend or revoke a license already granted, after due notice and opportunity of hearing to the applicant or licensee, when the board is satisfied of the existence of any one or more of the following conditions:

SECTION 6. Provides that applicants for licenses must have proper qualifications.

SECTION 7. *The new section 4a* outlines the powers of the board in connection with refusing and revoking of licenses and provides for a hearing before the board.

Rev. Stat.  
cc. 262, 265;  
1930, c. 53;  
1934, c. 30.

- (a) Failure to observe, perform and carry out the provisions of *The Milk Control Act, 1934*, or of *The Milk and Cream Act, The Dairy Products Act, The Public Health Act* or any other Act of the Legislature of Ontario, or of the Dominion of Canada, or amendments thereof, or of any regulations made under any such Act which in any way pertains to and governs or regulates the supply of milk for human consumption;
- (b) Failure to provide for and continue in effect proof of financial responsibility as required by this Act or the regulations;
- (c) Failure to observe, perform and carry out any regulation of the board made under this Act;

Appeal  
from  
decision  
of board.

- 6a. An appeal shall lie, by way of originating notice, from any order or decision of the board under section 4 or 5 of this Act to a judge of the Supreme Court who may receive such evidence, give such directions for the conduct of the proceedings, and make such order or decision thereon as he may deem just, and his decision shall be final and shall not be subject to appeal.

Rebates  
prohibited.

- 7a. Notwithstanding anything in *The Companies Act* or in any letters patent of incorporation or supplementary letters patent or in any other general or special Act contained, no person, firm or corporation shall give or distribute any fund, refund, rebate, interest or dividend to any purchaser of milk therefrom, either directly or indirectly in respect of such purchases of milk, except such interest or dividend as may be earned on capital invested by such purchaser in such firm or corporation.

Rev. Stat.  
c. 218.

Board may  
approve  
agreements.

- 8a.—(1) The board may, if it deems it in the public interest, after consulting any local municipal officer or officers representing the consumers' interests, approve any agreement respecting the price of milk and fair business practices entered into between producers, processors, milk dealers, transporters of milk and distributors or any of them, and when so approved, such agreement shall be binding upon every person, partnership, association or corporation, selling, delivering or buying milk within the limits of the area affected by the agreement.



*The new section 6a* provides for an appeal to a judge of the Supreme Court on the part of any person who has been refused a license, or whose license has been revoked.

*The new section 7a* prohibits milk distributors from giving rebates to consumers.

*The new section 8a* gives the board authority to approve and make effective agreements which have been entered into between two or more classes of persons within the milk industry in any area.

Effect of  
approval.

- (2) Where the board has approved an agreement respecting the price of milk and fair business practices as provided in this section, non-compliance with any of the provisions of such agreement shall be a violation of this Act.

1934,  
c. 30, s. 9,  
re-enacted.

8. Section 9 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

Regulations.

9.—(1) The board may make such regulations, with the approval of the Lieutenant-Governor in Council, as it deems necessary in the public interest, and without derogating from the generality of the foregoing may by such regulations,—

- (a) specify the terms and conditions upon which a license may be obtained and the fees payable therefor and the persons or classes of persons not required to be licensed as provided by section 2a of this Act;
- (b) prescribe the terms and conditions upon which milk may be received, handled, transported, stored, delivered, supplied, processed, kept for sale or sold;
- (c) classify milk producers and distributors or any other persons engaged in the milk industry;
- (d) require persons who supply, distribute, transport, process, keep for sale or sell milk to furnish to the board such information as the board may from time to time require;
- (e) require any applicant for a license under this Act to furnish proof of financial responsibility and to require a bond from such applicant in such amount as the board may deem necessary.
- (f) provide for the form of orders and other forms to be used for the purpose of this Act;
- (g) prescribe the meetings and proceedings of the board;
- (h) prescribe the respective duties of the staff and of other persons employed by the board;
- (i) prescribe the records, books and accounts to be kept by the board;

SECTION 8. Sets out with greater certainty regulations that may be made by the board with the approval of the Lieutenant-Governor.

- (j) prescribe the practice and procedure in all matters before the board and the conduct of all persons appearing before the board.

- (2) Any regulations made under the authority of this section may be general in their application or may be limited to any locality or localities, or to any person or classes of persons, or to any branch of the milk industry mentioned therein.

1934, c. 30,  
amended.

9. *The Milk Control Act, 1934*, is amended by adding thereto the following section:

Injunction  
proceedings.

- 10a.—(1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations has been or is being committed, the Supreme Court or any judge thereof may, upon the application of the board, enjoin—

- (a) any purchaser, processor, transporter, distributor or dealer in milk from carrying on business as such purchaser, processor, transporter, distributor or dealer, absolutely, or for such period as shall seem just, and any injunction shall *ipso facto* cancel the license of any such purchaser, processor, transporter, distributor or dealer named in the order during the same period.

Application  
may be  
*ex parte*

- (2) The application of the board under subsection 1 may be made without any action being instituted either,—

- (a) by an *ex parte* motion for an interim injunction which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* hereof is sooner heard and determined; or

or by origin-  
ating notice.

- (b) by an originating notice of motion which, if an interim injunction has been granted, shall be served within five days and returnable within ten days from the date of such interim injunction.

1934,  
c. 30, s. 11,  
re-enacted.

10. Section 11 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

Penalties.

- 11. Every person who violates any of the provisions of this Act or the regulations, or any order made under this Act shall be liable, for a first offence, to a penalty

SECTION 9. Provides that the board may make application to a judge of the Supreme Court for an injunction.

SECTION 10. Increases the penalty for a violation of the Act to assist in the enforcement of the same.



of \$50; and for a second or subsequent offence to a penalty of not less than \$100, nor more than \$500, recoverable under *The Summary Convictions Act*.

Rev. Stat.  
c. 121.

Commence-  
ment of  
Act.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend The Milk Control Act,  
1934

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*1st Reading*

April 3rd, 1935

*2nd Reading*

*3rd Reading*

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MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Milk Control Act, 1934.

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MR. MARSHALL

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No. 96

1935

# BILL

An Act to amend The Milk Control Act, 1934.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Milk Control Amendment Act, 1935*.

1934, c. 30,  
amended.      **2.** *The Milk Control Act, 1934*, is amended by adding thereto the following section:

"Milk."      **1a.** In this Act, unless the context otherwise requires, "milk" shall include whole milk and such products of milk as are supplied, processed, distributed or sold in any form other than butter and cheese.

1934,  
c. 30, s. 2,  
subs. 5,  
re-enacted.      **3.** Subsection 5 of section 2 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

Expenses  
of board.      **(5)** All moneys required for the purpose of this Act shall be paid out of any sum appropriated by the Legislature and voted by the Assembly for that purpose.

1934, c. 30,  
amended.      **4.** *The Milk Control Act, 1934*, is amended by adding thereto the following section:

Licenses  
required.      **2a.—(1)** No person shall, directly or indirectly, engage in or carry on the business of supplying, distributing, transporting, processing or selling milk unless such person is the holder of a license issued by the board.

Exception.      **(2)** This section shall not apply to those persons or classes of persons designated by the board in regulations passed under the authority of this Act.

1934,  
c. 30, s. 3,  
re-enacted.      **5.** Section 3 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

Duty and  
powers of  
board.      **3.** It shall be the duty of the board and it shall have power,—

- (a) upon its own initiative or upon complaint to inquire into any matter relating to the production, transportation, processing, distribution or sale of milk;
- (b) to arbitrate, adjust and settle disputes arising between producers, consumers, processors, distributors and transporters of milk or between any two or more classes of such persons engaged in the milk industry;
- (c) to prohibit in the Province any sale or delivery of milk or of cream or of milk and cream alone or in combination with any other article of trade, at a price lower than the current price of milk or cream or of a combination of milk or cream with any other article;
- (d) to prohibit milk distributors compelling or inducing producers to invest money either directly or indirectly in a dairy plant or other equipment in order that such producers may obtain or retain a market for their milk;
- (e) to prohibit milk distributors from terminating the purchase of milk from a producer without just cause unless fifteen days' notice is given;

and in each case shall make such order as it deems just, having regard to the circumstances.

6. Section 4 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor: 1934, c. 30, s. 4, re-enacted.

4. No license shall be granted to a milk distributor unless the board is satisfied that the applicant is qualified by experience, financial responsibility and equipment to properly conduct the proposed business, and that the issuance of the license is in the public interest. When issue of license prohibited.

7. *The Milk Control Act, 1934*, is amended by adding thereto the following sections: 1934, c. 30, amended.

- 4a. Subject to the provisions of section 4 of this Act the board may refuse to grant or renew a license or may suspend or revoke a license already granted, after due notice and opportunity of hearing to the applicant or licensee, when the board is satisfied of the existence of any one or more of the following conditions: Power of board to refuse or revoke license.

Rev. Stat.  
cc. 262, 265;  
1930, c. 53;  
1934, c. 30.

(a) Failure to observe, perform and carry out the provisions of *The Milk Control Act, 1934*, or of *The Milk and Cream Act, The Dairy Products Act, The Public Health Act* or any other Act of the Legislature of Ontario, or of the Dominion of Canada, or amendments thereof, or of any regulations made under any such Act which in any way pertains to and governs or regulates the supply of milk for human consumption;

(b) Failure to provide for and continue in effect proof of financial responsibility as required by this Act or the regulations;

(c) Failure to observe, perform and carry out any regulation of the board made under this Act.

Appeal  
from  
decision  
of board.

6a. An appeal shall lie, by way of originating notice, from any order or decision of the board under section 4 or 4a of this Act to a judge of the Supreme Court who may receive such evidence, give such directions for the conduct of the proceedings, and make such order or decision thereon as he may deem just, and his decision shall be final and shall not be subject to appeal.

Rebates  
prohibited.

Rev. Stat.  
c. 218.

7a. Notwithstanding anything in *The Companies Act* or in any letters patent of incorporation or supplementary letters patent or in any other general or special Act contained, no person, firm or corporation shall give or distribute any fund, refund, rebate, interest or dividend to any purchaser of milk therefrom, either directly or indirectly in respect of such purchases of milk, except such interest or dividend as may be earned on capital invested by such purchaser in such firm or corporation.

Board may  
approve  
agreements.

8a.—(1) The board may, if it deems it in the public interest, after consulting any local municipal officer or officers appointed to represent the consumers' interests, approve any agreement respecting the price of milk and fair business practices entered into between producers, processors, milk dealers, transporters of milk and distributors or any of them, and when so approved, such agreement shall be binding upon every person, partnership, association or corporation, selling, delivering or buying milk within the limits of the area affected by the agreement.



- (2) Where the board has approved an agreement respecting the price of milk and fair business practices as provided in this section, non-compliance with any of the provisions of such agreement shall be a violation of this Act. Effect of approval.

8. Section 9 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor: 1934, c. 30, s. 9, re-enacted.

9.—(1) The board may make such regulations, with the Regulations. approval of the Lieutenant-Governor in Council, as it deems necessary in the public interest, and without derogating from the generality of the foregoing may by such regulations,—

- (a) specify the terms and conditions upon which a license may be obtained and the fees payable therefor and the persons or classes of persons not required to be licensed as provided by section 2a of this Act;
- (b) prescribe the terms and conditions upon which milk may be received, handled, transported, stored, delivered, supplied, processed, kept for sale or sold;
- (c) classify milk producers and distributors or any other persons engaged in the milk industry;
- (d) require persons who supply, distribute, transport, process, keep for sale or sell milk to furnish to the board such information as the board may from time to time require;
- (e) require any applicant for a license under this Act to furnish proof of financial responsibility and to require a bond from such applicant in such amount as the board may deem necessary;
- (f) provide for the form of orders and other forms to be used for the purpose of this Act;
- (g) prescribe the meetings and proceedings of the board;
- (h) prescribe the respective duties of the staff and of other persons employed by the board;
- (i) prescribe the records, books and accounts to be kept by the board;



- (j) prescribe the practice and procedure in all matters before the board and the conduct of all persons appearing before the board.

Regulations  
may be  
general or  
limited.

- (2) Any regulations made under the authority of this section may be general in their application or may be limited to any locality or localities, or to any person or classes of persons, or to any branch of the milk industry mentioned therein.

1934, c. 30,  
amended.

9. *The Milk Control Act, 1934*, is amended by adding thereto the following section:

Injunction  
proceedings.

- 10a.—(1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations has been or is being committed, the Supreme Court or any judge thereof may, upon the application of the board, enjoin—

- (a) any purchaser, processor, transporter, distributor or dealer in milk from carrying on business as such purchaser, processor, transporter, distributor or dealer, absolutely, or for such period as shall seem just, and any injunction shall *ipso facto* cancel the license of any such purchaser, processor, transporter, distributor or dealer named in the order during the same period.

Application  
may be  
*ex parte*

- (2) The application of the board under subsection 1 may be made without any action being instituted either,—
- (a) by an *ex parte* motion for an interim injunction which shall, if granted, remain in full force for ten days from the date thereof unless the time is extended or the originating motion mentioned in clause *b* hereof is sooner heard and determined; or

or by origin-  
ating notice.

- (b) by an originating notice of motion which, if an interim injunction has been granted, shall be served within five days and returnable within ten days from the date of such interim injunction.

1934,  
c. 30, s. 11,  
re-enacted.

10. Section 11 of *The Milk Control Act, 1934*, is repealed and the following substituted therefor:

Penalties.

11. Every person who violates any of the provisions of this Act or the regulations, or any order made under this Act shall be liable, for a first offence, to a penalty

of \$50; and for a second or subsequent offence to a penalty of not less than \$100, nor more than \$500, recoverable under *The Summary Convictions Act*. Rev. Stat. c. 121.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.

BILL

An Act to amend The Milk Control Act,  
1934

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*1st Reading*

April 3rd, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Mental Hospitals and Schools.

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MR. FAULKNER

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# BILL

An Act respecting Mental Hospitals and Schools.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Mental Hospitals Act, 1935*.

## PART I

Interpre-      2. In this Act and the regulations, unless the context  
tation.      otherwise requires,—

- |                     |  |
|---------------------|--|
| "Approved home."    | (a) "Approved home" shall mean a home to which patients may be released from an hospital or hospital school in the manner provided under this Act and the regulations;   |
| "Child."            | (b) "Child" shall include son and daughter;  |
| "Department."       | (c) "Department" shall mean the Hospitals Division of the Department of Health for Ontario;  |
| "Deputy Minister."  | (d) "Deputy Minister" shall mean the officer appointed to be in charge of the Department;  |
| "Examination unit." | (e) "Examination unit" shall mean a place to which any person may be sent for observation, care and treatment in the manner provided under this Act and the regulations; |
| "Habitue."          | (f) "Habitue" shall mean an alcoholic or drug habitue;   |
| "Hospital."         | (g) "Hospital" shall mean an hospital established under this Act and shall include every approved home and examination unit connected therewith or forming part thereof; |
| "Hospital school."  | (h) "Hospital school" shall mean a school established under this Act for mental defectives and shall include   |





every approved home and examination unit connected therewith or forming part thereof;

- "Inspector." (i) "Inspector" shall mean an officer of the Department appointed as an inspector for any of the purposes of this Act and the regulations;
- "Institution." (j) "Institution" shall mean and include hospital hospital school and examination unit;
- "Mental defective" and "mentally defective person." (k) "Mental defective" and "mentally defective person" shall mean a person in whom there is a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury, and who requires care, supervision and control for his own protection or welfare or for the protection of others;
- "Mental deficiency." (l) "Mental deficiency" shall mean the condition of mind of a mental defective;
- "Mentally ill person." (m) "Mentally ill person" shall mean a person other than a mental defective who is suffering from such a disorder of the mind that such person requires care, supervision and control for his own protection or welfare, or for the protection of others;
- "Mental illness." (n) "Mental illness" shall mean the condition of mind of a mentally ill person;
- "Minister." (o) "Minister" shall mean the Minister of Health for Ontario or such other member of the Executive Council as is charged for the time being with the administration of this Act;
- "Parent." (p) "Parent" shall include father and mother;
- "Patient." (q) "Patient" shall mean a person admitted under this Act and the regulations to an institution;
- "Regulations." (r) "Regulations" shall mean regulations made under the authority of this Act;
- "Steward." (s) "Steward" shall mean an officer of the Department who is appointed as the steward of an institution;
- "Superintendent." (t) "Superintendent" shall mean an officer of the Department who is appointed as the superintendent of an institution.

Application to certain institutions. 3. The provisions of this Act shall apply to such institutions as may from time to time be designated by the regulations.

#### EXPLANATORY NOTES

SECTION 3. The institutions to which this Act will apply will be set out in regulations and will include all existing institutions for mentally ill, mentally defective and epileptic patients except those which are established under *The Private Sanitarium Act* and *The Psychiatric Hospitals Act*.

Names of  
hospitals.

4.—(1) Every hospital established under this Act shall be known as "The Ontario Hospital" followed by the name of the city or town at or near which such hospital is located, or such name as the Lieutenant-Governor in Council may designate.

Names of  
hospital  
school.

(2) Every hospital school established under this Act shall be known as "The Ontario Hospital School" followed by the name of the city or town at or near which such hospital school is located, or such name as the Lieutenant-Governor in Council may designate.

Exempted  
from the  
Act.

5. Subject to the provisions of section 109, this Act shall not apply to,—

Rev. Stat.,  
c. 355.

(a) a sanitarium subject to *The Private Sanitarium Act*;

Rev. Stat.,  
c. 354.

(b) a psychiatric hospital established under *The Psychiatric Hospitals Act*.

Regulations.

6.—(1) The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as are necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time in like manner.

(2) Without limiting the generality of the provisions contained in subsection 1, it is declared that the powers of the Lieutenant-Governor in Council to make regulations in the manner set out in the said subsection shall extend to and include the following,—

- (a) designating the institutions to which this Act shall apply;
- (b) prescribing the district served and classes of patient to be treated in any institution;
- (c) the powers and duties of the Deputy Minister;
- (d) the appointment of superintendents, inspectors, stewards, assistants, clerks and other officers and employees and prescribing their powers and duties;
- (e) regulating the inspection, superintendence, government, management, conduct, operation, maintenance, care and use of institutions and equipment;
- (f) regulating the apprehension and admission of persons;





- (g) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension of patients;
- (h) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release or discharge from institutions, and all other forms required for the carrying out of the provisions of this Act and the regulations.
- (i) prescribing the records, books, accounting systems, audits, reports and returns to be made and kept respecting institutions;
- (j) regulating the financial business and affairs of institutions;
- (k) granting certificates of approval to approved homes and examination units and the fees payable therefor, and withdrawing such certificates;
- (l) fixing the situation, construction, equipment of approved homes and examination units;
- (m) declaring that any provisions of this Act and the regulations shall not be applicable to approved homes and examination units;
- (n) prescribing the charges which shall be paid by the party liable for the maintenance of patients in institutions;
- (o) prescribing the amounts to be paid by the Department for the care and maintenance of patients who are in an approved home; and
- (p) generally, the control of all other matters in any way relating to institutions, and for the better carrying out of the provisions of this Act.

## PART II

### ADMINISTRATION AND CONTROL

7.—(1) The administration of this Act and of every institution established thereunder, is vested in the Department, and the Deputy Minister shall be the chief executive officer of the Department responsible to and subject to the control of the Minister.

Adminis-  
tration  
vested in  
the De-  
partment.



Delegation  
of authority  
by Deputy  
Minister.

(2) Where this Act and the regulations require or authorize the Deputy Minister to do any act, such act may be done by any person whom the Deputy Minister shall appoint to do such act.

Superin-  
tendent to  
control the  
institution.

8. Subject to section 7, the superintendent of an institution shall be in charge of and have control over the institution for which he is appointed, and shall superintend the conduct and management of all its affairs and control all officers, clerks, servants and employees thereof and all the patients therein.

Inspector.

9. The Lieutenant-Governor in Council may appoint inspectors with such designations or titles as he may deem expedient. 1931, c. 80, s. 4, *amended*.

Steward.

10. The financial business and affairs of an institution shall be in charge of the steward appointed thereto who shall be responsible to the superintendent of such institution.

Consent of  
Attorney-  
General  
for actions.

11.—(1) No action, prosecution or other proceedings shall be brought or be instituted against any officer, clerk, servant, or employee of the Department, or the Public Trustee, or against any other person for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority, without the consent of the Attorney-General.

Limitation  
of actions.

(2) All actions and prosecutions against any person for anything done or omitted to be done in pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Tort of  
patient.

(3) No action shall lie against any institution or any officer, employee or servant thereof for the tort of any patient.

Offences  
under Act.

12.—(1) No person shall,—

- (a) assist any patient in escaping or attempting to escape from an institution; or
- (b) do or omit an act for the purpose of aiding any patient in escaping or attempting to escape from an institution; or
- (c) abet or counsel any patient to escape; or
- (d) visit, assist, counsel or communicate with any patient after having been prohibited in writing from doing so by the Deputy Minister or any superintendent.

SECTION 7.—(2) Provides for delegation of authority by the Deputy Minister.

SECTION 8. The effect of the words "subject to section 7" is that the Superintendent is responsible to the Deputy Minister and in turn to the Minister.

SECTION 9. This section is necessitated by the amendment of *The Public Institutions Inspection Act, 1931*, by section 109 of this Act.

SECTION 10. This is similar to the present section 5 of *The Hospitals for the Insane Act*.

SECTION 11.—(1) New.

SECTION 11.—(2) This continues the effect of section 9 of *The Public Institutions Inspection Act* which is amended by section 109 of this Act.

SECTION 11.—(3) New.

SECTION 12. New.

SECTION 12.—(1) Prescribes certain offences.

**Penalty.** (2) Every one who violates any of the provisions of subsection 1 shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$100 and, in default of payment, to not more than thirty days' imprisonment.

**Penalties for offences.** (3) Every person who violates any provision of this Act or the regulations shall be guilty of an offence under this Act and shall upon conviction, where no penalty has been specifically provided, be liable to a fine of not less than \$10 and not exceeding \$100 and, in default of payment, to imprisonment for not more than thirty days.

**Recovery of penalties.** (4) Every penalty imposed for an offence under this Act shall be recoverable under *The Summary Convictions Act*.  
**Rev. Stat., c. 121.**

### PART III

#### PATIENTS IN INSTITUTIONS

**Applications for admission.** **13.—**(1) Application for the admission of any person as a patient to an institution shall be made either verbally or in writing to the Deputy Minister or to a superintendent and no person shall be admitted to an institution until a direction has been issued by the Deputy Minister or a superintendent or other person in charge of an institution, and no person may present himself or be sent for admission to an institution until notice is received from the Deputy Minister or a superintendent that accommodation in an institution is available for such person.

(2) Where a direction and notice have been issued under subsection 1, the person named therein shall present himself or be taken to the institution named therein and shall be admitted to such institution in accordance with the provisions of such direction and notice.

**Certificate or form not to be issued by practitioner related to another practitioner.** **14.—**(1) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations with respect to any person shall be made, issued, given or signed by any medical practitioner who is by blood or marriage closely related to or connected with any other medical practitioner who makes, issues, gives or signs a certificate or form with respect to the same person.

**Practitioner not to be related to person examined.** (2) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations to be made, issued, given or signed by a medical practitioner respecting any person shall be made, issued, given or signed by a medical practitioner who is by blood or marriage closely related to or connected with such person.



SECTION 12.—(2) Prescribes the penalty for the offences in subsection 1.

SECTION 12.—(3) Makes it an offence to violate any provisions of the Act and prescribes the penalty where none is specifically provided.

SECTION 13.—(1) Provides that no person shall be sent to a hospital until arrangements are made for his admission, so as to insure that accommodation will be available. The same provision is at present contained in section 6 of *The Hospitals for the Insane Act*.

SECTION 13.—(2) Transportation of the patient is to be arranged by the patient or his friends, relatives, etc.

SECTION 14.—(1) New. Provides that two medical practitioners who are related cannot certify the same person.

SECTION 14.—(2) New. Provides that a medical practitioner shall not certify a person to whom he is related.

Superintendent to be in charge of patients.

**15.** Except as provided by this Act, the superintendent of an institution shall have full control over and the custody and care of the person of every patient in such institution and every patient shall be maintained, cared for, treated in, released and discharged therefrom only as may be provided by this Act and the regulations.

Forms not invalid for defects in form or substance.

**16.** No form required by this Act and the regulations shall upon any application, by way of *certiorari*, or motion to quash or *habeas corpus*, be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance.

Transfers to public hospitals.

**17.**—(1) Where the superintendent of any institution reports to the Deputy Minister that any patient therein requires hospital treatment which cannot be supplied therein, the Deputy Minister shall, if otherwise permitted by law, have authority to transfer such patient to a public hospital for treatment, which cannot be supplied in the institution. 1931, c. 80, s. 11 (4), *part amended*.

Charges.

(2) The charges for such hospital treatment shall be paid by such patient unless he is an indigent person, in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act, 1931*. 1931, c. 80, s. 11 (4), *part amended*.

1930, c. 80.

Special inquiry by Deputy Minister or inspector.

**18.**—(1) Where the Deputy Minister or an inspector is authorized by the Minister to institute an inquiry into the management or affairs of any institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector or the Deputy Minister shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases.

(2) An inspector appointed under any other Act, the administration of which is under the charge of the Minister, may when authorized by the Minister exercise the powers conferred by subsection 1 in respect to any hospital or other institution subject to such other Act. 1931, c. 80, s. 5, *amended*.

## PART IV

### MENTALLY ILL AND MENTALLY DEFECTIVE PERSONS

Admission.

**19.** Any person who is mentally ill may be admitted to an institution as a voluntary patient, and any person who is

SECTION 16. New. A form is not rendered invalid by errors therein.

SECTION 17. This provision is at present contained in *The Public Institutions Inspection Act, 1931*, section 11, subsections 4 and 5, which is amended by section 109 of this Act.

SECTION 18. This provision is at present contained in *The Public Institutions Inspection Act, 1931*, section 5; which is amended by section 109 of this Act.

SECTION 19. This section tabulates the methods of admission of mentally ill and mentally defective persons. Each method of admission is then defined in the sections following.

mentally ill or mentally defective may be admitted to an institution as a,—

- (a) certificated patient;
- (b) Deputy Minister's warrant patient;
- (c) Lieutenant-Governor's warrant patient;
- (d) patient remanded by a judge or a magistrate in accordance with the provisions of this Act and the regulations.

Voluntary patients, how admitted.

**20.**—(1) The superintendent of an institution may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in the prescribed form and whose mental condition, in the opinion of the superintendent, is such as to render him competent to make application. R.S.O. 1927, c. 353, s. 11 (1), *amended*.

Limit of period of detention.

(2) Subject to the provisions of section 25, a person so received shall not be detained more than five days after having given notice in writing of his desire to leave the institution. R.S.O. 1927, c. 353, s. 11 (2), *amended*.

When person not to be admitted as a voluntary patient.

(3) No person may be admitted as a voluntary patient who is,—

- (a) a person suffering from mental illness or infirmity due to old age or from incurable disease for which general hospital or other institutional care is required;
- (b) a mental defective.

Certificated patients.

**21.**—(1) Certificated patients shall be admitted to an institution only upon the prescribed certificates of two medical practitioners, and in every case the history record and financial statement in the prescribed form shall accompany such certificate or certificates. R.S.O. 1927, c. 353, s. 6, *amended*.

Medical certificate.

(2) Every such certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 7 (1), *amended*.

Contents.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the

SECTION 20.—(1) Substantially the same as *The Hospitals for the Insane Act*, section 11, subsection 1.

SECTION 20.—(2) Similar to *The Hospitals for the Insane Act*, section 11, subsection 2, but the words "subject to the provisions of section 25" have been added. The effect of the words added is that where a patient enters an institution as a voluntary patient and then his mental condition becomes worse, provision is made for detaining him as a certificated patient.

SECTION 20.—(3) New.

SECTION 21. This section contains the provisions at present contained in *The Hospitals for the Insane Act*, sections 6 and 7. One alteration is that the medical practitioner instead of certifying the patient to be insane as he does at present, will certify him to be mentally ill or mentally defective as the case may be. Another alteration is that only one witness shall be required for a physician's certificate instead of two. A third alteration is that one physician shall not witness the signature of another physician.



Signature  
and  
attestation.

Date.

mental illness or deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness who shall not be a physician issuing a certificate, and shall show the date upon which the examination was made. R.S.O. 1927, c. 353, s. 7 (2), *amended*.

Limitation  
of  
certificate.

(4) No person may be admitted as a certificated patient except within three months of the examination referred to in any certificate. R.S.O. 1927, c. 353, s. 7 (2), *amended*.

To be  
completed  
in 7 days  
and  
forwarded  
in 14 days.

**22.** Every certificate shall be completed within seven days of the examination referred to therein and shall be forwarded within fourteen days of such examination to the Department or to the superintendent of the institution in the district where the patient resides, together with all other material required by this Act and the regulations.

Authority  
to convey  
and detain.

**23.** Subject to the provisions of section 13, the certificate or certificates, when accompanied by the forms mentioned in subsection 1 of section 21, shall be sufficient authority to any person to convey the patient to the institution and to the authorities thereof to detain him therein, or to the authorities of any other institution to which the patient may have been or may be removed by the order of the Deputy Minister to detain him in such institution as long as he continues to be mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 8, *amended*.

Examination  
of destitute  
person.

**24.** In any municipality where a mentally ill or mentally defective person is in destitute circumstances and is a fit subject for hospital treatment, application may be made to the head of the municipality for an examination to be made and certificates given in accordance with section 21, and the head of the municipality, if satisfied that such person is in destitute circumstances, shall immediately notify two medical practitioners to make the required examination. R.S.O. 1927, c. 353, s. 10, *amended*.

Certification  
of patient  
in an  
institution.

**25.—(1)** Notwithstanding anything in subsection 2 of section 20, any mentally ill person who has been admitted as a voluntary patient and any habituate patient, or any person admitted under the provisions of section 36, or any person detained under section 61, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record and financial statement in the prescribed form.

Practitioner  
not to be  
Depart-  
mental  
officer, etc.

(2) The certificates required by subsection 1 shall not be issued by any medical practitioner who is an officer of the

SECTION 22. New.

SECTION 23. Contains the provisions at present in *The Hospitals for the Insane Act*, section 8.

SECTION 24. Contains the provisions at present in *The Hospitals for the Insane Act*, section 10, subsection 1.

The costs and expenses involved in this procedure are dealt with in section 64 of this Act.

SECTION 25. New. This section provides for the certification of patients who are already in an institution who have been admitted by some method other than certification. The types of patient who may be certificated in this way are as follows:

- (a) Voluntary, admitted under section 20;
- (b) Habitues, admitted under Part 5;
- (c) Patients remanded by a judge or magistrate for observation under section 36;
- (d) Patients admitted to an examination unit on one physician's certificate under section 61.

The words "notwithstanding anything in section 20 (2)" are required in order that a voluntary patient may be certificated notwithstanding the provision in section 20 (2) that he is not to be detained after giving five days' notice.

Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

Certificated patient.

(3) Upon a person being certificated under this section, he shall thereafter during the time he is a patient be a certificated patient within the meaning of this Act and be subject to the provisions of this Act and the regulations respecting certificated patients.

Warrant to apprehend mentally ill or mentally defective person.

**26.**—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information to be mentally ill or mentally defective, such justice of the peace may issue his warrant in the prescribed form to apprehend such person and to cause him to be brought before a magistrate having jurisdiction. R.S.O. 1927, c. 353, s. 12 (1), *amended*.

Form of warrant.

(2) Every such warrant shall be under the hand and seal of the justice of the peace issuing the same and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 12 (2), *amended*.

Before whom returnable.

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information has been laid and to bring him before a magistrate having jurisdiction, in order that inquiry may be made respecting the mental condition of such person and that he may be further dealt with according to law. R.S.O. 1927, c. 353, s. 12 (3), *amended*.

Apprehension without warrant.

(4) Any person apparently mentally ill or mentally defective and conducting himself in a manner which in a normal person would be disorderly, may be apprehended without a warrant by any constable or peace officer and detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 29. R.S.O. 1927, c. 353, s. 13, *amended*.

Proceedings on apprehension.

(5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant or in the manner provided in the next preceding subsection, he shall be brought before a magistrate and the magistrate may thereupon by his order in the prescribed form direct that such person be confined in some safe and comfortable place, or in the custody of the constable or other person who appre-

SECTION 26.—(1) Similar to *The Hospitals for the Insane Act*, section 12, subsection 1. There are two alterations: (1) the words “mentally ill or mentally defective” have been substituted for the words “insane and dangerous to be at large;” (2) The information is to be laid before a justice of the peace, but the hearing is to be before a magistrate.

SECTION 26.—(2) No substantial change from *The Hospitals for the Insane Act*, section 12, subsection 2.

SECTION 26.—(3) Similar to *The Hospitals for the Insane Act*, section 12, subsection 3. The only alteration is that the hearing is to be before a magistrate instead of a justice of the peace.

SECTION 26.—(4) Substantially the same as *The Hospitals for the Insane Act*, section 13.

SECTION 26.—(5) Similar to *The Hospitals for the Insane Act*, sections 14. The words “but in no case shall such alleged insane person be committed to any gaol, lock-up, prison or reformatory” are omitted. It has been found in practice that detention in the places named is often necessary.



hended him, or such other safe custody as the magistrate deems fit, until the question of his mental condition is determined. R.S.O. 1927, c. 353, s. 14, *amended*.

Appointment  
of medical  
examiner.

**27.**—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section. R.S.O. 1927, c. 353, s. 15 (1).

Examination  
by two  
medical  
practitioners.

(2) Immediately upon the apprehension of an alleged mentally ill or mentally defective person the magistrate before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or if no medical practitioner has been so appointed the magistrate shall notify two legally qualified medical practitioners and shall cause an examination to be made in the manner provided in section 21. R.S.O. 1927, c. 353, s. 15 (2), *amended*.

Hearing of  
evidence,  
inquiring  
among  
friends, etc.

**28.**—(1) The magistrate, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the mental condition of the said alleged mentally ill or mentally defective person and shall direct that inquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had, and for the purpose of ascertaining whether the alleged mentally ill or mentally defective person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit as far as possible all information in respect to the matters mentioned in the prescribed form; but if the magistrate finds that such inquiries will be expensive or that sufficient information has been obtained by other means, he shall not be required to make the inquiries by this section directed.

Adjourn-  
ment of  
inquiry.

(2) The magistrate may from time to time adjourn the inquiry and again commit to custody, as prescribed by subsection 5 of section 26, until proper inquiry is made as directed by this section. R.S.O. 1927, c. 353, s. 16, *amended*.

Magistrate's  
certificate  
of mental  
illness or  
defect.

**29.**—(1) If, after reasonable inquiry has been made by the magistrate as herein directed, he is satisfied that such alleged mentally ill or mentally defective person is mentally ill or mentally defective, he shall certify accordingly in the prescribed form.

Discharge  
of persons  
not mentally  
ill or  
defective  
and  
disposal of  
persons  
whose  
mental  
condition is  
uncertain.

(2) If both the medical practitioners making the examination do not agree, or if the magistrate is not satisfied that



SECTION 27. Substantially the same as *The Hospitals for the Insane Act*, section 15.

SECTION 28. Substantially the same as *The Hospitals for the Insane Act*, section 16.

SECTION 29. Similar to *The Hospitals for the Insane Act*, section 18.

The only alteration introduced in this section is that where both medical practitioners do not agree, under *The Hospitals for the Insane Act* the magistrate has no discretion except to discharge the person, but under section 29 the magistrate has discretion to order further examination or to send him to an institution for examination.

such person is mentally ill or mentally defective, the magistrate shall forthwith discharge him, or order such further examination as he shall deem expedient, or may remand him to an institution for a period not exceeding sixty days, in which case the provisions of subsections 2, 3 and 4 of section 36 shall apply *mutatis mutandis*. R.S.O. 1927, c. 353, s. 18, *amended*.

Magistrate's  
certificate,  
etc., to be  
sent to  
Deputy  
Minister.

**30.**—(1) Where any such person is found to be mentally ill or mentally defective the magistrate shall immediately transmit to the Deputy Minister his certificate and the certificates of the medical practitioners and the information, warrant and depositions taken before him, accompanied by a written statement of the result of his inquiries as to the financial condition of such mentally ill or mentally defective person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in the prescribed form, so far as ascertained, and giving the present address of such mentally ill or mentally defective person, and the name and address of the person in whose custody he is, and such further information as he may deem advisable.

Deputy  
Minister's  
warrant and  
removal to  
institution.

(2) The Deputy Minister, on receipt of such documents, shall arrange for the admission of such mentally ill or mentally defective person to an institution and shall issue a warrant in the prescribed form for his transfer thereto. R.S.O. 1927, c. 353, s. 19, *amended*.

Application  
of Rev. Stat.,  
c. 121.

**31.** A magistrate in making an inquiry shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act. R.S.O. 1927, c. 353, s. 21, *amended*.

Transfer  
of patient.

**32.**—(1) The Deputy Minister may, by warrant, transfer a patient from any institution to any other institution.

Transfer  
from  
hospital to  
hospital  
school and  
*vice versa*.

(2) Where a patient is transferred under subsection 1 from an hospital school to an hospital or from an hospital to an hospital school, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

Transfer to  
and from  
Ontario  
Hospital,  
Woodstock.

(3) Where a patient is transferred under subsection 1 from the Ontario Hospital, Woodstock, to any other institution or from any other institution to the Ontario Hospital, Woodstock, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

SECTION 30. Substantially the same as *The Hospitals for the Insane Act*, section 19.

SECTION 31. Substantially the same as *The Hospitals for the Insane Act*, section 21.

SECTION 32.—(1) New. Provides for transfer from one institution to another.

SECTION 32.—(2) This provision is necessary because the certificates for admission to a hospital will differ from the certificates for admission to a hospital school. The former will state that the person is mentally ill, whereas the latter will state that the person is mentally defective.

SECTION 32.—(3) Similarly, the certificates for Woodstock will state that the person is an epileptic.

Lieutenant-Governor's warrant.

**33.**—(1) The Lieutenant-Governor, upon evidence satisfactory to him that any person imprisoned in any prison, reformatory, reformatory prison, reformatory school, industrial school or industrial refuge for an offence under the authority of any of the statutes of Ontario, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, is mentally ill, mentally deficient or epileptic, may order the removal of such person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time may order, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged; provided that where such person is confined in an institution he shall, if and when he is not liable to imprisonment, be subject to the direction of the Minister, or such other person as the Lieutenant-Governor in Council may designate, who may make such orders or directions in respect of such person as he may deem proper. R.S.O. 1927, c. 353, s. 22, *amended*.

Record of sentence to be sent to Deputy Minister.

1931, c. 80.

(2) Where the Lieutenant-Governor has ordered the removal of any such person under subsection 1, a record of the sentence of such person shall be sent to the Deputy Minister by the officer referred to in subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*.

Warrant valid notwithstanding irregularity of prior proceedings.

**34.** A warrant for the removal of any mentally ill or mentally defective person to an institution may be issued notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined or in any of the proceedings before the magistrate. R.S.O. 1927, c. 353, s. 25, *amended*.

Deportation.

**35.** Upon its appearing to the Lieutenant-Governor that any mentally ill, mentally defective or epileptic patient detained in an institution has come or been brought into Ontario from elsewhere within thirty days prior to his committal to such institution, the Lieutenant-Governor may, by his warrant, authorize the removal of such person to the province or country from which he has so come or been brought. R.S.O. 1927, c. 353, s. 27, *amended*.

Remand by judge or magistrate.

**36.**—(1) Any person may be admitted to an institution upon the order of a judge or magistrate where such person has been apprehended either with or without warrant and charged with any offence, provided that such order is accompanied by the prescribed history forms, and provided also that such order shall be for a period not exceeding sixty days, and any



SECTION 33.—(1) Similar to *The Hospitals for the Insane Act*, section 22. The chief alteration is contained in the words "provided that where such person is confined in an institution he shall, if and when he is not liable to imprisonment, be subject to the direction of the Minister, or such other person as the Lieutenant-Governor in Council may designate, who may make such orders or directions in respect of such person as he may deem proper" at the end of the subsection. The effect of this proviso is that where a prisoner is removed from a penal institution to a mental institution and his sentence expires, he then becomes subject to the direction of the Minister of Health. In this amendment the Minister of Health is not given any authority to deal with prisoners whose sentence has not expired.

SECTION 33.—(2) This subsection is necessitated by the amendment contained in section 33, subsection 1. This subsection provides that when a prisoner is transferred from a penal institution to a mental institution a record of his sentence will be filed in the Department of Health to insure that no prisoner will be placed on probation or discharged from a mental institution when his sentence has not expired.

SECTION 34. Substantially the same as *The Hospitals for the Insane Act*, section 25.

SECTION 35. Substantially the same as *The Hospitals for the Insane Act*, section 26.

SECTION 36. New. The effect of this section is that a Judge or Magistrate may remand any person to an institution for sixty days examination.



order made under this section shall direct that such person shall be conveyed to the institution most conveniently situated to the place where the order is made.

Superintendent's report.

(2) Before the expiration of the time contained in the order of the judge or magistrate mentioned in subsection 1, the superintendent shall report in writing the mental condition of such person to the judge or magistrate.

Certification.

(3) Where in the opinion of such superintendent such person is mentally ill or mentally defective, he shall direct the examination of such person as provided for by section 25, and if the examining medical practitioners certify such patient to be mentally ill or mentally defective he shall be detained as a certificated patient and shall be subject to all the provisions of this Act and of the regulations respecting certificated patients.

Return of patient to court.

(4) Where in the opinion of the superintendent such patient is neither mentally ill nor mentally defective and where the superintendent has failed to obtain certificates in the prescribed form he shall discharge such person to the custody of the court by which he was ordered to the institution.

#### PROBATION

Probation.

**37.**—(1) If the superintendent considers it conducive to the recovery of any patient that he should be committed for a time to the custody of his family or friends, the superintendent may allow him to return on probation to them upon receiving a written undertaking in the prescribed form by one or more of the family or friends of such person that he or they will keep an oversight over him. R.S.O. 1927, c. 353, s. 29 (1) *amended*.

Return from probation.

(2) If within six months from such release on probation the patient again becomes mentally ill or defective to such a degree that his confinement in an institution is necessary, the superintendent by whom he was released on probation or the Deputy Minister, may by warrant in the prescribed form directed to any constable or peace officer or other person, authorize and direct that such patient be apprehended and brought back to the institution from which he was released on probation, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the institution. R.S.O. 1927, c. 353, s. 30, *amended*.

Patients liable to imprisonment.

(3) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be released on probation unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment.

SECTION 36.—(2) The Superintendent reports his findings to the Magistrate.

SECTION 36 (3). Where a person is found to be mentally ill or defective he is certificated and detained in hospital.

SECTION 36 (4). Where a person is not mentally ill he is returned to Court.

SECTION 37. Substantially the same as *The Hospitals for the Insane Act*, section 29 (1).

SECTION 37 (2). Substantially the same as *The Hospitals for the Insane Act*, section 30.

SECTION 37 (3). New. This subsection is made necessary by the amendment contained in Section 33. This subsection will ensure that no patient is released on probation whose sentence has not expired.

Application  
of the  
Act to  
probationers.

**38.** Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such release be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control as if he were not so released but had remained in the institution.

#### APPROVED HOME

Certificate  
for approved  
home.

**39.** The Minister may issue certificates approving of any building, premises or place as an approved home for the reception of patients who are released from an hospital or hospital school into the custody of such home and entitling any person to receive into the approved home one or more patients as if such approved home had been established as an hospital under the authority of this Act.

Release of  
patients to  
approved  
homes.

**40.**—(1) If the superintendent considers it conducive to the recovery of any patient, the superintendent may place such patient in an approved home, subject to the provisions of this Act and the regulations.

Patients  
liable to  
imprison-  
ment.

(2) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be placed in an approved home unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment.

Application  
of the Act  
to patients  
in approved  
homes.

**41.** Any patient admitted to an institution who is placed in an approved home shall for the purposes of this Act and the regulations be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control, as if he were not so released but had remained in the institution.

#### DISCHARGE

Voluntary  
patient.

**42.**—(1) A voluntary patient shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, it is in the interest of such patient or of the hospital that he be discharged; or

(b) for admission to a sanitarium which is subject to *The Private Sanitarium Act*; or

Rev. Stat.,  
c. 355.

SECTION 38. New. This section is necessary in order that provisions of the Act such as those relating to recapture of escaped patients will apply to patients on probation.

SECTION 39. New. The purpose of this section is to provide for the approval of certain places, particularly private homes in the community, in which patients may be placed whose mental condition has improved to such a degree that they are better treated in this manner than by remaining in an institution.

SECTION 40 (1). New.

SECTION 40 (2). This section is made necessary by the amendment contained in subsection 33. This subsection ensures that no person will be placed in an approved home whose sentence has not expired.

SECTION 41. New. The purpose of this section is to make the provisions of the Act applicable to patients in approved homes in order to provide for recapture on escape, etc.

SECTION 42. New.



(c) in accordance with the conditions upon which he was admitted.

(2) A voluntary patient may be discharged when default is made in payment of his maintenance.

Certificated  
patient.

**43.** A certificated patient shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

Rev. Stat.,  
c. 355.

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitarium Act*.

Lieutenant-  
Governor's  
and Deputy  
Minister's  
warrant  
patient.

**44.—**(1) Any patient who has been admitted to an institution on the warrant of the Lieutenant-Governor or Deputy Minister shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

Rev. Stat.,  
c. 355.

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitarium Act*.

(2) The superintendent shall not discharge any patient under this section unless the Deputy Minister has certified to the superintendent that such person is no longer liable to imprisonment.

Removal  
of patient  
to house of  
refuge.

**45.** The Deputy Minister may, upon the report of an inspector, direct that any patient in an institution whose mental condition is due to senility and whose conduct is recorded as quiet and harmless and who is a proper subject for care in a house of refuge, be discharged from such institution and placed in a house of refuge in the county in which he was a resident at the time of admission to the institution and the board of management and superintendent of such house of refuge shall admit such person and maintain him therein. 1931, c. 80, s. 12, *amended*.

#### ESCAPE AND APPREHENSION

Apprehen-  
sion of  
escaped  
patient.

**46.—**(1) Any patient admitted to an institution who escapes therefrom or who, contrary to the provisions of this Act or the regulations, leaves or is taken away or removed



SECTION 43. New.

SECTION 44 (1). New. Section 33 of this Act gives the Department authority to deal with persons who have been transferred from a penal to a mental institution and whose sentence has expired.

This subsection gives the Department authority to discharge such patients on recovery.

SECTION 44 (2). To make sure that no patient shall be discharged unless his sentence has expired.

SECTION 45. Substantially the same as section 12 of *The Public Institutions Inspection Act*.

SECTION 46. Similar to *The Hospitals for the Insane Act*, section 28. At the present time a patient who escapes may be taken without a warrant within forty-eight hours, and with a warrant within one month. The alteration effected by this section is that an escaped patient may be retaken without a warrant at any time within two months.

therefrom may be apprehended without a warrant at any time within sixty days from the day of his escape by any peace officer, police officer or police constable or any person appointed by the superintendent or the Deputy Minister.

Detention  
pending  
return to  
institution.

(2) Any patient upon his apprehension under the provisions of subsection 1 shall be taken to and confined in any place of detention and from thence and as speedily as possible be returned to an institution. R.S.O. 1927, c. 353, s. 28, *amended*.

## PART V.

### HABITUES

Voluntary  
admission.

**47.**—(1) The superintendent of an institution may receive and detain therein as a patient, any habitue for care and treatment who voluntarily makes written application in the prescribed form provided that in the opinion of such superintendent he is, at the time of his admission, capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1927, c. 353, s. 55, *amended*.

Time of  
detention.

(2) Subject to section 25, such habitue may be detained in the institution for a period of one year, and no longer, and it shall be a condition of his admission to the institution that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required; and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the institution while an inmate of the same. R.S.O. 1927, c. 353, s. 56, *amended*.

Pledge.

Commitment  
on judge's  
order.

**48.**—(1) On petition verified by oath, presented to a judge in chambers of the county or district court of the county or district in which the alleged habitue resides, setting forth that the alleged habitue is a *bona fide* resident of Ontario, and is so given over to the use of alcohol or drugs that he is unable to control himself or is incapable of managing his affairs or squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interests of his family or his creditors, or that he uses drugs or intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the judge shall direct that a copy of the petition, together with a notice of appointment in the prescribed form, shall be served upon the alleged

SECTION 47. Substantially the same as *The Hospitals for the Insane Act*, section 55.

SECTION 48. Similar to *The Hospitals for the Insane Act*, section 58. The chief amendment is that whereas at present the habitue must be served "at least eight clear days before the time fixed for the hearing" the time has been changed in this subsection to forty-eight hours.

habitué at least forty-eight hours before the time fixed for the hearing.

Who may petition.

(2) Such petition may be made by any relatives, whether by blood or affinity, or, if he has no relatives in Ontario by any friend of the alleged habitué or by the family medical attendant. R.S.O. 1927, c. 353, s. 58, *amended*.

Inquiry.

**49.**—(1) The judge shall attend at the time and place named in the appointment and then and there proceed upon *viva voce* evidence to inquire into the matters and allegations set forth in the petition, and whether or not the alleged habitué is in attendance or is represented may proceed to inquire into the matters and allegations set forth in the petition provided that service of the appointment as required by the next preceding section is proven and he may in his discretion adjourn the inquiry from time to time. R.S.O. 1927, c. 353, s. 59, *amended*.

Where person petitioned against cannot appear.

(2) Where at the time that service of the appointment and of the copy of the petition is sought to be served, the alleged habitué is confined in an institution under the provisions of section 54 and is in the opinion of the superintendent suffering from the effects of alcohol or drugs to such a degree that he is incapable of appreciating the nature of such documents or is unable to attend before the judge on the return of the appointment, such superintendent shall report such facts to the judge in writing and the judge may, where he deems it expedient to do so, proceed with the inquiry in the absence of the alleged habitué.

Where the person is detained in an institution.

(3) Where any such alleged habitué is detained in an institution under the provisions of section 54, the judge may order that such person be there detained until a date not later than ten days after the completion of the inquiry.

Powers of judge.

**50.** The judge shall have the same powers as to summoning witnesses, enforcing their attendances and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. R.S.O. 1927, c. 353, s. 60.

Judge's report.

**51.**—(1) If the judge upon such inquiry finds the person petitioned against to be an habitué, and so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property; or places his family in danger or distress, or transacts his business prejudicially to the interests of his family or his creditors; or that he uses drugs or intoxicating liquors to such an extent

SECTION 49.—(1) Similar to *The Hospitals for the Insane Act*, section 59. The chief amendment is that the Judge is given discretion to proceed with the enquiry in the absence of the alleged habitue.

SECTION 49 (2). New. It is the purpose of this subsection to provide that where a habitue has been committed to an institution for thirty days under section 54 that the enquiry provided by this section may be proceeded with in the discretion of the Judge.

SECTION 49 (3). New. Provides for detention of the alleged habitue pending the enquiry.

SECTION 50. Identical with section 50 of *The Hospitals for the Insane Act*.

SECTION 51. Substantially the same as *The Hospitals for the Insane Act*, section 51.



as to render him dangerous to himself and others; or incurs the danger of ruining his health or shortening his life, the judge shall forthwith report the fact to the Deputy Minister and with the report shall transmit the evidence taken accompanied by a written statement of the result of his inquiries as to the financial condition of such habitue, and the person or persons legally liable for his maintenance and giving the present address of such habitue and the name and address of the person in whose custody he is, and the names and addresses of such persons, if any, dependent upon him for support.

Hearing of  
evidence.

(2) For the purposes aforesaid, the judge shall hear such evidence upon oath and may require that some person or persons who is or are acquainted with his family and previous habits be heard for the purpose of ascertaining whether the said habitue is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon him for support. R.S.O. 1927, c. 353, s. 61, *amended*.

Deputy  
Minister's  
warrant.

**52.**—(1) Upon receipt of the report and evidence the Deputy Minister may by warrant direct the removal of the habitue to an institution to be placed under treatment and detained therein for a period not exceeding two years.

Detention  
pending  
removal to  
institution.

(2) The judge may order that such alcoholic habitue be confined in some safe and comfortable place, or such other custody as the judge deems fit until such time as he may be removed to an institution. R.S.O. 1927, c. 353, s. 62, *amended*.

Temporary  
commitment  
by two  
medical  
practitioners.

**53.**—(1) Any person who is suffering from the effects of alcohol or drugs may be admitted to an institution and detained therein for a period not to exceed thirty days on the certificates of two medical practitioners in the prescribed form accompanied by the prescribed history form.

Form of  
medical  
certificate.

(2) Such certificate shall state and show clearly that each of the medical practitioners signing it personally examined such person and as a result of such examination and of information communicated to him by other persons is of opinion that such person is suffering from the effects of alcohol or drugs to such a degree as to require hospital care.

Contents.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness and shall show the date upon which the examination was made.

SECTION 52. Substantially the same as *The Hospitals for the Insane Act*, section 62.

SECTION 53. New. Provides facilities for treating habitues for a period up to thirty days.

Limitation  
of  
certificate.

(4) No person shall be admitted as an habituate patient upon any such certificate except within three days of the examination referred to in any certificate.

Authority  
to convey  
and detain.

**54.** The certificates when accompanied by the prescribed history form shall be sufficient authority for any one to convey such person to an institution, provided that permission, either verbally or in writing for such admission has been obtained from the Deputy Minister or the superintendent, and shall be sufficient authority for the superintendent to detain the person named therein.

Discharge of  
habitues.

**55.** The superintendent of any institution shall have full authority to discharge any patient who has been admitted to such institution as an habitue when—

(a) in the opinion of the superintendent he is sufficiently recovered; or

(b) it is in the interest of such patient or of the hospital that he be discharged; or

Rev. Stat.,  
c. 355.

(c) for admission to a sanitarium which is subject to *The Private Sanitarium Act*; or

(d) default is made in payment of his maintenance.

Provisions  
applicable  
to habitues.

**56.** Sections 24, 25, 32, 37, 38, 39, 40, 41, 45 and 46 inclusive of this Act shall apply *mutatis mutandis* to habitues.

## PART VI

### EPILEPTICS

Ontario  
Hospital,  
Woodstock,  
object and  
design.

**57.** The Ontario Hospital, Woodstock, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province and the object and design of such hospital shall be to provide for the treatment and custodial care of epileptics. R.S.O. 1927, c. 356, ss. 1, 2, *amended*.

Admission:  
classes of  
patients.

**58.** Any person suffering from epilepsy may be admitted to such hospital who is a—

(a) voluntary patient;

(b) certificated patient;

(c) Deputy Minister's warrant patient;

SECTION 54. Authority to convey and detain such patients.

SECTION 55. Similar to *The Hospitals for the Insane Act*, section 57.

SECTION 56. The effect of the sections which are made applicable is as follows:

- (a) Section 24 provides for examination of destitute persons.
- (b) Section 25 provides for certification of patients who are already in an institution, having been admitted on some other form of admission, for example, voluntary, and whose mental condition then becomes worse to such a degree that it is necessary to detain him as a certificated patient.
- (c) Section 32, transfer of patients from one institution to another.
- (d) Section 37 and 38 provides for probation.
- (e) Sections 40 and 41 deal with approved homes.
- (f) Section 45 provides for removal to a house of refuge.
- (g) Section 46 deals with apprehension of escaped patients.

SECTION 57. Substantially the same as *The Ontario Hospital Woodstock Act*, sections 1 and 2.

SECTION 58. New. The only method of admission provided in the present *Ontario Hospital Woodstock Act* is by the certificate of two physicians. The amendment will provide for the other methods of admission specified.



- (d) Lieutenant-Governor's warrant patient;
- (e) patient remanded by a judge or magistrate for observation in accordance with the provisions of this Act and the regulations.

Provisions  
applicable.

**59.** The provisions of sections 20 to 46 shall apply *mutatis mutandis* to the Ontario Hospital, Woodstock.

## PART VII

### EXAMINATION UNITS

Certificate.

**60.** The Minister may issue certificates approving of any building, premises or place, or part of any building, premises or place including any part of any hospital or hospital school as an examination unit.

Admission  
of patients  
on medical  
certificate.

**61.**—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an examination unit may be admitted thereto for a period not exceeding thirty days with the permission of the Deputy Minister or superintendent, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form.

Authority  
to convey  
and detain.

(2) The certificate mentioned in subsection 1 of this section shall be sufficient authority to any person to convey the person named therein to such examination unit and to the authorities of the said examination unit for his detention therein.

Limit  
of stay in  
examination  
unit.

**62.** No patient shall remain in an examination unit for a period in excess of thirty days, provided that the Deputy Minister shall have authority to extend the period for an additional sixty days in the case of any patient other than a patient who has been admitted according to the provisions of the next preceding section.

Disposal  
of patients.

**63.**—(1) Where a person has been admitted to and is a patient in an examination unit according to the provisions of section 61, he shall be discharged, or certificated according to the provisions of section 25, as the needs of his case may require.

Certificated  
patients,  
removal of

(2) Where a person has been certificated under subsection 1, he shall be transferred to an hospital or hospital school and he shall thereafter be subject to the provisions of this Act and the regulations with respect to patients in an hospital or hospital school.



SECTION 59. The effect of sections which are made applicable is as follows:

- (a) Section 20 provides for voluntary admission.
- (b) Sections 21, 22 and 23 provide for admission on the certificates of two physicians.
- (c) Section 24 provides for examination of destitute persons.
- (d) Section 25 provides for certification of patients already in the hospital who have been admitted, for example, voluntarily, and whose mental condition then becomes worse to such a degree that they require to be detained on certificates.
- (e) Sections 26 to 31 provide for admission on a magistrate's enquiry.
- (f) Section 32 provides for transfer of patients from one institution to another.
- (g) Sections 33 and 34 provide for admission on the warrant of the Lieutenant-Governor from a penal institution.
- (h) Section 35 applies to deportation from Ontario.
- (i) Section 36 provides for a remand by a judge or magistrate for observation for 60 days.
- (j) Sections 37 and 38 provide for probation.
- (k) Sections 39, 40 and 41 provide for release of patients to an Approved Home.
- (l) Sections 42, 43 and 44 deal with discharge of patients.
- (m) Section 45 deals with removal of patients to a house of refuge.
- (n) Section 46 deals with apprehension of escaped patients.

SECTION 60. New. Establishes centers to be called "examination units." The purpose of such a unit is to provide a brief period of examination of persons suffering from mental disorders.

SECTION 61. Provides for admission to examination unit on certificate of one medical practitioner for thirty days.

SECTION 62. New.

SECTION 63. Disposal of patients in examination unit.

## PART VIII

## LIABILITIES OF MUNICIPALITIES, MAINTENANCE, PROPERTY

Liability of municipality for costs of determining mental condition.

**64.**—(1) The necessary costs and expenses incurred under the provisions of sections 24, 25, 26 to 30 and 36 in determining the mental condition of any person including a fee not exceeding \$5 and a travelling allowance of 10 cents per mile of each medical practitioner who issues a certificate in respect of such person and the necessary expenses incurred in conveying such person to and from an institution shall be paid by the municipality from which such person came or was sent to an institution.

Recovery from estate, etc.

(2) Where such person is not in destitute circumstances the costs and expenses may be recovered by the municipality from his estate or from him or the person liable for his maintenance.

Recovery from municipality where patient resided.

(3) Subject to subsection 2 where the costs and expenses mentioned in subsection 1 hereof are paid by a municipality in which such person did not actually reside at the time of his admission to an institution, such costs and expenses may be recovered by the municipality paying the same from the municipality in which such person actually resided at the time of admission to the institution.

Reimbursement.

(4) Such costs and expenses shall be reimbursed to the corporation of the municipality by the corporation of the county where the municipality paying the same is a part of the county for municipal purposes.

Persons deported into Ontario, costs of examining.

**65.**—(1) If an alleged mentally ill, mentally defective or epileptic person deported from any country to Ontario is adjudged mentally ill, mentally defective or epileptic and is removed to an institution, all the costs and expenses properly incurred in his apprehension, examination and detention pending his removal to such institution, shall be paid by the corporation of the municipality in which such person was last resident in Ontario prior to his departure to the country from which he was deported.

Reimbursement.

(2) Where such person is not in destitute circumstances, the costs and expenses referred to in subsection 1, paid by the corporation of any municipality in which such person was last resident in Ontario prior to his departure to the country from which he was deported, may be recovered by it from the estate of such person or from the person liable for his maintenance and the same shall be charged against the estate of such person

SECTION 64 (1). Fixes the liability of a municipality for the expenses incurred in dealing with a person under this Act up to the time of admission to hospital. Similar provisions are contained in *The Hospitals for the Insane Act*, sections 10 and 20.

SECTION 65. Substantially the same as *The Hospitals for the Insane Act*, section 20.

or shall be paid by the person legally liable for his maintenance. R.S.O. 1927, c. 353, s. 20, *amended*.

Liability of  
municipality  
for  
maintenance.  
Rev. Stat.,  
c. 29.

**66.**—(1) The provisions of section 24 of *The Corporations Tax Act* shall apply to any institution within the meaning of this Act except the Ontario Hospital, Woodstock.

(2) Every municipality shall be liable in the amount of 50 cents per day, including the day of admission and discharge, for the maintenance of every indigent patient in the Ontario Hospital, Woodstock, who resided in such municipality at the time of his admission to the hospital.

Inquiry  
regarding  
estate.

**67.**—(1) Upon due application for the admission of any person the superintendent and steward of the institution shall make a full and thorough inquiry respecting the estate, either in existence or in prospect, of such person and of its sufficiency, free from all claims of his family, to supply the means necessary for his maintenance and clothing in the institution as provided by the regulations.

Bond for  
maintenance.

(2) The superintendent and steward shall where possible require from the person liable for maintenance of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part; and such agreement or bond shall continue in force so long as the patient is maintained in any institution.

Liability  
limited.

(3) Where the obligation is for a limited period nothing herein shall extend the liability beyond the period limited.

Liability of  
patient's  
estate.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the institution as hereinafter provided. R.S.O. 1927, c. 353, s. 9, *amended*.

Patient's  
liability.

**68.** Any patient admitted to an institution who has at the time of his admission or subsequently comes into the possession of property shall be liable for his maintenance. R.S.O. 1927, c. 353, s. 34, *amended*.

Liability  
for married  
woman.

**69.** Any person whose wife is a patient shall be liable for the maintenance of such patient. R.S.O. 1927, c. 353, s. 34, *amended*.

Liability  
for child.

**70.** A parent shall be liable for the maintenance of his child who is a patient. R.S.O. 1927, c. 353, s. 31, *amended*.

Notice of  
liability.

**71.** It shall be the duty of the steward of an institution to send a written notice on the first day of each of the months of



SECTION 66 (1). *The Corporations Tax Act*, R.S.O. 1927, c. 29, s. 24, provides that each municipality is liable at the rate of 10c per day for each of its residents who is detained in a mental institution. This subsection continues such liability.

SECTION 66 (2). Provides for maintenance of patients in The Ontario Hospital, Woodstock.

SECTION 67 (1). Identical with *The Hospitals for the Insane Act*, section 69.

SECTION 67 (2-3-4). Substantially the same as *The Hospitals for the Insane Act*, section 9.

SECTION 68. Substantially the same as *The Hospitals for the Insane Act*, section 34.

SECTION 69. Continues the provisions contained in *The Hospitals for the Insane Act*, section 34.

SECTION 70. Similar to *The Hospitals for the Insane Act*, section 31. The amendment effected by this section is that parents will be liable for the maintenance of their children over twenty-one years of age.

SECTION 71. Substantially the same as *The Hospitals for the Insane Act*, sections 31 and 32.



Demand.

January, April, July and October to the party liable for payment of the maintenance of any patient, giving the date of patient's admission to the institution and the amount which is due and owing for his maintenance as provided by the regulations, and in such notice a demand shall be made by the steward upon the party liable for payment of maintenance for such sum as may be due and owing and such sum shall be forthwith paid on such demand. R.S.O. 1927, c. 353, ss. 31, 32, *amended*.

Application order for payment of maintenance.

**72.**—(1) In case of refusal or neglect to pay the sum so demanded, the Deputy Minister or any officer whom he may designate may apply to a judge of the county or district court of the county or district in which the person liable to pay resides for an order for the payment of the amount then due.

Notice.

(2) Ten days' notice of the application shall be given.

Judge's order.

(3) If the judge is satisfied that the person against whom the application is made is liable he may make an order accordingly, and such order may be enforced in the same manner as a judgment of the court. R.S.O. 1927, c. 353, s. 33, *amended*.

Public Trustee *ex officio* committee.

**73.** Subject as in this Part is otherwise provided the Public Trustee shall *ex officio* be the committee of the estate of every patient admitted to an institution until he is discharged therefrom. R.S.O. 1927, c. 353, s. 35, *amended*.

Where committee appointed prior to admission.

**74.** If prior to or at the time any person is admitted as a patient in an institution the Supreme Court under the authority of *The Lunacy Act* has appointed some person other than the Public Trustee to be the committee of the estate of such person, the Public Trustee shall not in such case be the committee unless he is subsequently appointed as such by the Supreme Court. *New*.

Rev. Stat., c. 98.

Appointment of Public Trustee instead of committee under *The Lunacy Act*.

**75.** Notwithstanding that under the authority of *The Lunacy Act* some person other than the Public Trustee has been appointed by the Supreme Court as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee shall have and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients' estates. *New*.

When Public Trustee is committee for voluntary and habituate patient.

**76.** The Public Trustee shall not be the committee of the estate of a voluntary patient, or an habituate patient until

SECTION 72. Similar to *The Hospitals for the Insane Act*, section 33. The amendment consists in the addition of the words "and such order may be enforced in the same manner as the judgment of a court" at the end of subsection 3. The amendment provides for execution.

SECTION 73. Similar to *The Hospitals for the Insane Act*, section 35. The effect of the words "subject as in this part is otherwise provided" is that the Public Trustee is not the committee of a patient in the following situations:

- (a) By section 74 the Public Trustee is not the committee of a patient for whom a committee has been appointed under *The Lunacy Act* prior to his admission.
- (b) The Public Trustee is not the committee of a voluntary patient until he has been in an institution for three months. (Section 76).
- (c) The Public Trustee is not committee of a habituate patient until he has been in an institution for three months. (Section 76).
- (d) The Public Trustee is not the committee of any patient for whom a committee has been appointed under *The Lunacy Act*. (See sections 77 and 78).

The words "or until otherwise ordered by any court having jurisdiction" have been omitted. These words serve no useful purpose.

SECTION 74. New.

SECTION 75. New.

SECTION 76. New. The purpose of this section is to provide an exception to the provisions of section 73 that the Public Trustee shall be *ex officio* committee of the estate of every patient in an institution.

such patient remains as a patient in an institution for a period of not less than three months, unless prior to the expiration of such period the patient by writing under seal signed by him appoints the Public Trustee as committee or the Public Trustee is appointed as committee by the Supreme Court. *New.*

Appointment  
of committee  
by Supreme  
Court.

**77.** If the Supreme Court shall at any time appoint a committee of the estate of any patient under the provisions of *The Lunacy Act* the Public Trustee shall thereupon cease to be committee, and shall account for and transfer to the committee so appointed the estate of the patient which has come into his hands, retaining however so much as may be due for the maintenance of the patient. R.S.O. 1927, c. 353, s. 36, *amended.*

Consent of  
Public  
Trustee.

**78.** An order shall not be made for the appointment of a committee of any patient confined in an institution without the consent of the Public Trustee, unless five days' notice shall have previously been given to him. R.S.O. 1927, c. 353, s. 37, *amended.*

Acts of  
Public  
Trustee not  
affected by  
subsequent  
appointment.

**79.** The acts of the Public Trustee while committee of a patient shall not be rendered invalid by the making of an order appointing another committee. R.S.O. 1927, c. 353, s. 38.

When  
service of  
process to  
be made on  
Public  
Trustee.

**80.** When an action or proceeding is brought or taken against any patient in an institution for whom a committee has not been appointed by the court and such action or proceeding is in connection with the estate of such person, the writ or other document by which the proceedings are commenced and any other document requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the name of the institution in which the patient is detained, and shall also be served upon the patient unless in the opinion of the superintendent of the institution personal service upon the patient would cause serious harm to him by reason of his mental condition, in which case it shall also be served upon the superintendent. R.S.O. 1927, c. 353, s. 39, *amended.*

Powers of  
Public  
Trustee.

**81.** The Public Trustee as statutory committee of any such patient shall have and may exercise all the rights and powers with regard to the estate of the patient that such patient would have if of full age and of sound and disposing mind. R.S.O. 1927, c. 353, s. 40, *amended.*

Recital in  
documents  
as to  
patients.

**82.** Any recital in a lease, mortgage or conveyance that the patient is in an institution and that the Public Trustee is

SECTION 77. Substantially the same as *The Hospitals for the Insane Act*, section 36.

SECTION 78. Substantially the same as *The Hospitals for the Insane Act*, section 37.

SECTION 79. Identical with *The Hospitals for the Insane Act*, section 38.

SECTION 80. Similar to *The Hospitals for the Insane Act*, section 39. The only amendment consists in the addition of the words "and such action or proceeding is in connection with the estate of such person" in lines 3 and 4.

SECTION 81. The same as *The Hospitals for the Insane Act*, section 40, as amended by 1930, c. 66, s. 2.

SECTION 82. Substantially the same as *The Hospitals for the Insane Act*, section 44.



his statutory committee shall be *prima facie* evidence of the facts recited. R.S.O. 1927, c. 353, s. 44, *amended*.

Purposes  
for which  
powers of  
Public  
Trustee  
may be  
exercised.

**83.** The powers conferred upon the Public Trustee as statutory committee of the estate of a patient may be exercised:

- (a) notwithstanding the patient being released upon probation or being placed in an approved home;
- (b) to carry out and complete any transaction entered into by the patient before he or she became a patient in an institution;
- (c) to carry out and complete any transaction entered into by the statutory committee notwithstanding that the patient may have been discharged or may have died after the transaction was commenced. R.S.O. 1927, c. 353, s. 45, *amended*.

Costs and  
charges of  
Public  
Trustee  
lien on  
property.

**84.** The costs, charges and expenses of the Public Trustee and any money advanced by him for the patient or for the maintenance of the family of the patient shall be a charge upon the property of the patient, and the Public Trustee may register a certificate under his hand and seal of office giving notice of any lien claimed and the property against which it is claimed in any registry office or land titles office. R.S.O. 1927, c. 353, s. 46.

When gifts,  
grants, etc.,  
deemed  
fraudulent.

**85.** Every gift, grant, alienation, conveyance or transfer of property made by any person who is or becomes a patient in an institution shall be deemed to be fraudulent and void, as against the statutory committee, if the same is not made for full and valuable consideration actually paid or sufficiently secured to such person, or if the purchaser or transferee had notice of his mental condition. R.S.O. 1927, c. 353, s. 47, *amended*.

Case of  
death of  
patient.

**86.** Upon the death of any patient the Public Trustee may until probate of the will or letters of administration to the estate of such patient is granted to some other person and notice is given to the Public Trustee, continue to manage the estate and may exercise with respect thereto the powers which an executor would have if the property were devised or bequeathed to him in trust for payment of debts and distribution of the residue. R.S.O. 1927, c. 353, s. 48, *amended*.

Account by  
Public  
Trustee.

**87.** The Public Trustee shall be liable to render an account as to the manner in which he has managed the property and effects of the patient in the same way and subject to the same



SECTION 83. The same as *The Hospitals for the Insane Act*, section 45, except that the powers of The Public Trustee may be exercised when the patient is in an Approved Home.

SECTION 84. Identical with section 46 of *The Hospitals for the Insane Act*.

SECTION 85. Substantially the same as section 47 of *The Hospitals for the Insane Act*.

SECTION 86. Similar to *The Hospitals for the Insane Act*, section 48. Note that the word "may" in line two has been substituted for the word "shall."

SECTION 87. Similar to section 49 of *The Hospitals for the Insane Act*.

responsibility as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee but shall be personally liable only for wilful misconduct. R.S.O. 1927, c. 353, s. 49, *amended*.

Compensation of Public Trustee.

**88.** For the services rendered by the Public Trustee as committee of a patient, he may be allowed compensation not exceeding the amount which a trustee would be allowed for like services, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation. R.S.O. 1927, c. 353, s. 50.

Relief of Public Trustee on discharge of patient.

**89.** When a person discharged from an institution may not in the opinion of the Public Trustee based upon the report of the superintendent of such institution be competent to manage his affairs and the Public Trustee has in his hands property of such person as committee under this Act, he may apply to the Supreme Court for directions as to the disposal of such property; and the court may give such orders and directions in the premises as it may deem just. R.S.O. 1927, c. 353, s. 51, *amended*.

Payment of charges for maintenance of patient.

**90.** The Public Trustee shall, out of the money in his hands belonging to a patient for whom he is statutory committee, pay the proper charges for his maintenance in the institution in which he is a patient, and he may also pay such sums as he may deem advisable to the family of such patient or other person dependent upon him, and the payments for the maintenance of the family and other dependents may be made notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient. R.S.O. 1927, c. 353, s. 52, *amended*.

Payment of money out of court.

**91.** If there is any money in court to the credit of a patient the same shall be paid out to the Public Trustee upon his written application, and it shall not be necessary to obtain an order of the court or a judge for this purpose. R.S.O. 1927, c. 353, s. 54, *amended*.

Statutory duty.

**92.** Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate.

Administrator for Manitoba may be appointed committee in Ontario.

**93.—(1)** The Lieutenant-Governor in Council may appoint the administrator of Estates of Insane Persons for the Province of Manitoba to be committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum in Manitoba.

SECTION 88. Identical with section 50 of *The Hospitals for the Insane Act*.

SECTION 89. Substantially the same as *The Hospitals for the Insane Act*, section 51. -

SECTION 90. Substantially the same as section 52 of *The Hospitals for the Insane Act*.

SECTION 91. Similar to section 54 of *The Hospitals for the Insane Act*.

SECTION 92. New.

SECTION 93. Identical with *The Hospitals for the Insane Act*, section 65.

Saskat-  
chewan.

(2) The Lieutenant-Governor in Council may appoint the Administrator of Estates of the Mentally Incompetent of the Province of Saskatchewan to be the committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum or mental hospital in Saskatchewan.

Order-in-  
Council  
conclusive  
as to  
appointment.

(3) An order-in-council making such an appointment of the officer mentioned in subsection 1 or subsection 2 of this section shall be conclusive proof that all conditions precedent necessary to the appointment have been fulfilled.

Powers of  
Adminis-  
trator in  
Ontario.

(4) The appointee under an order-in-council issued under this section shall possess the same rights, powers, privileges and immunities as are conferred by this Act and the amendments thereto upon the Public Trustee for Ontario, and he shall be subject to the same obligations and shall perform the same duties. R.S.O. 1927, c. 353, s. 65.

## PART IX

### MENTAL HEALTH CLINICS

Establish-  
ment.

**94.** Subject to the provisions of this Act and the regulations the Department shall have power and authority to establish clinics known as "Mental Health Clinics."

Officer  
in charge.

**95.** The Minister shall have authority to appoint an officer who shall be a duly qualified medical practitioner to be in charge of each clinic with such title as the Minister may designate.

Staff.

**96.** The staff of each clinic, in addition to the officer designated in the next preceding section, shall consist of an assistant trained in psychology, an assistant trained in social service, and such other assistants as provided by the regulations.

Expenses.

**97.** All salaries, remuneration and expenses of the clinics and of their officers, clerks and servants shall be paid out of the Consolidated Revenue Fund upon the certificate of the Minister or of an officer of his Department designated by him for the purpose.

Powers of  
a clinic.

**98.** Subject to the direction of the Deputy Minister, a mental health clinic may do any act or perform such services which by law the Department is permitted or authorized to do.

Authority  
to conduct  
examina-  
tions.

**99.** Notwithstanding the provisions of the next preceding section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of:

SECTION 94. New. It is the purpose of this and the following sections to provide statutory authority for mental health clinics.

SECTION 95. New.

SECTION 96. New.

SECTION 97. New.

SECTION 98. New. The purpose of this section is to authorize the Department to delegate the performance of certain acts and services to the Clinics.

SECTIONS 99 and 100. New. Two classes of examinations are contemplated in Sections 99 and 100. Section 100 provides for the examination of school children and section 99 provides for the examination of other persons.



- (a) Any person other than an infant who may apply for such examination; and
- (b) Any infant upon the request verbally or in writing of his parent; and
- (c) Any person who may be sent by any organization approved by the Deputy Minister, provided such person has first given his consent to such examination; and
- (d) Any person on the order of any magistrate.

Examination  
of pupils.

**100.**—(1) Subject to the provisions of this section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of any or all pupils of any elementary or secondary school other than a private school and including any public, separate, continuation, vocation or high school.

Request of  
board of  
trustees,  
etc.,  
necessary.

(2) Such examination shall be conducted only on the request in writing of the board of public school trustees, board of separate school trustees, board of education, or other board having control of the school in which the examination is requested to be conducted.

Consent  
of parent.

(3) The consent in writing of the parent for such examination must first be obtained, provided that a consent for medical examination according to the provisions of *The Public Schools Act* and regulations shall be consent for the purposes of this section.

Report of  
examination  
of pupils.

(4) The officer in charge of the clinic shall report the results of an examination under this section to the Minister of Education and to the Minister of Health, and, the officer may report such results to the parent.

Where  
examination  
to be held.

**101.**—(1) Examinations under this Part may be conducted in any place or places which the officer in charge of the clinic deems expedient.

May be  
held in  
schools.

(2) Examinations under section 100 may be conducted in any of the schools referred to therein, at such time or times as the person in charge of the school shall designate as convenient.

Authority  
to give  
advice.

**102.** Subject to the direction of the Minister, a mental health clinic upon the request of any person, body, group, organization or corporation shall have authority to give advice

SECTION 101 (2). New. Authority to use schools for examination of school children.

SECTION 102. New. A Mental Health Clinic to be a source of information regarding mental health and mental disease.

on matters pertaining to mental health and mental disease or matters reasonably ancillary thereto.

**Report of examination.** **103.** The officer in charge of the mental health clinic may report the results of an examination under section 99 to:

- (a) the Department;
- (b) the person examined;
- (c) to any person or organization upon whose order or request the examination was undertaken;
- (d) any person who in the opinion of such officer has a *bona fide* interest in the person examined;

and, subject to the provisions of this section, the records of any mental health clinic shall not be open to public inspection.

## PART X

### AGREEMENT BETWEEN PROVINCE AND DOMINION

Agreement  
with  
Dominion  
Government  
authorized.

**104.** The Lieutenant-Governor in Council shall have power to authorize an agreement with His Majesty the King in right of His Dominion of Canada represented by the Honourable the Minister of Pensions and National Health or the Minister of such other Department of the Government of Canada as may from time to time be charged with the care and treatment of insane, epileptic, mentally ill or mentally defective former members of His Majesty's Military or Naval Forces who served during the War of 1914-18 whereunder the said Department shall, subject to regulations not inconsistent with this Act appended to and forming part of the said agreement, establish, operate, maintain, control and direct in the Province of Ontario institutions within the meaning of this Act for the care, treatment and detention of such former members of the Forces and former members of any Forces which were allied with His Majesty's Forces during the War of 1914-18 and members of the Permanent Force within the meaning of *The Militia Act*, and who are insane or epileptic or who are mentally ill or mentally defective within the meaning of this Act and to authorize such alterations in or amendments of such agreement as may from time to time appear necessary or desirable. 1920, c. 108, *amended*.

R.S.C.,  
c. 132.

**Regulations.** **105.**—(1) Any regulations adopted by the parties to the agreement in section 104 mentioned shall have the same force and effect as if enacted in this Act.

SECTION 103. New. Prescribes the reports of examinations other than examination of school children.

SECTIONS 104 and 105. The effect of these sections is to consolidate in this Act the provisions at present contained in 1920, c. 108, with certain amendments.

Under the 1920 Agreement the Department of Pensions and National Health of the Dominion Government operate the Westminster Hospital at London, Ontario, for mentally ill patients.

Sections 104 and 105 of this Act enlarge the powers contained in 1920, c. 108, as follows:

- (a) The institutions operated by the Dominion Government may care for not only members of His Majesty's Forces who served in the Great War (as at present) but also members of forces allied with His Majesty's Forces and members of the permanent force.
- (b) The Dominion Government with the approval of the Lieutenant-Governor in Council may make regulations to provide for the escort of such persons through Ontario to an institution operated by the Dominion Government in another Province.
- (c) By using the term "institution within the meaning of this Act" in sections 104 and 105 of this Act and since this term includes examination units, and since the method of admission may be prescribed by regulations, in the result, the Dominion Government with the approval of the Lieutenant-Governor in Council may set up examination units as described in Part 7 of this Act.



(2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the authority to adopt regulations shall extend to and include the following:

- (a) regulating the admission, commitment and detention of such members to such institutions, notwithstanding any provision to the contrary in any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons, and for greater certainty but not so as to restrict the generality of the foregoing terms, it is hereby declared that the Lieutenant-Governor in Council may exempt the said Department from such of the provisions of the said Acts as he may deem inapplicable and may authorize the said Department by its officers or servants to do such acts and things as by any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons are required or authorized to be done by officers or servants of the Province of Ontario or by a justice or justices of the peace or other judicial authority;
- (b) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension in such institutions of persons the care, treatment or detention of which is the subject matter of such agreement;
- (c) prescribing the forms relating to such persons and to their admission to, maintenance in and release or discharge from such institutions and all other forms required for the carrying out of the provisions of this Act and such agreement;
- (d) respecting the transfer of any such member from any place without Ontario to any other place without Ontario and from any place within Ontario to any place without Ontario and from any place without Ontario to any place within Ontario during the passage of such member through Ontario;
- (e) generally, the control of all matters the subject matter of such agreement.

Detention  
under other  
authority  
not invalid.

**106.** The detention of any such member by the said Minister by virtue of and in accordance with the provisions of any authority conferred by any Act of this Legislature or agreement with the Government of the Province of Ontario



SECTION 106. New. Confirms the validity of the detention of any person under the authority of 1920, c. 108, and the agreement pursuant thereto.

shall be deemed to be legal and valid notwithstanding anything in this Act.

Public  
Trustee.

**107.** The Public Trustee shall be *ex officio* committee of the estate of every patient who has no other committee and who is detained in an institution under this Part. The provisions of sections 73 to 93 shall apply to the institutions under this Part and the patients therein.

## PART XI

### REPEALING AND AMENDING CERTAIN ACTS

Acts  
repealed.

**108.** The following Acts are repealed:

- (a) *The Hospitals for the Insane Act*, R.S.O. 1927, c. 353.
- (b) *The Ontario Hospital, Woodstock, Act*, R.S.O. 1927, c. 356.
- (c) *An Act to confer Certain Powers respecting Hospitals on the Lieutenant-Governor in Council*, 1920, c. 108.

Acts  
amended.

**109.** The Acts mentioned in the Schedule to this Act are hereby amended in the manner set forth in the third column of the said Schedule.

Commence-  
ment of  
Act.

**110.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

SECTION 107. New. Contains the provisions at present in *The Public Trustee Act*, section 15, as amended by 1931, c. 23, s. 8.

SECTION 108. New. Provisions of the three Acts named have been consolidated herein.

SECTION 109. New. The Acts which have been amended in the schedule to this Act are those which contain words such as "insane" which are affected by the repeal of the Acts specified in Section 108 and the enactment of *The Mental Hospitals Act*.

## SCHEDULE

ACT AMENDED	SECTION	MANNER IN WHICH AMENDED
The Corporations Tax Act, R.S.O. 1927, c. 29.	Section 24 (3), line 5.	By substituting for the words "provincial hospital for the insane" the words "institution within the meaning of <i>The Mental Hospitals Act, 1935</i> , other than the Ontario Hospital, Woodstock."
	Section 24 (4), line 3, line 6, lines 6 and 7.	By substituting for the words "Provincial Secretary" the words "Minister of Health."
The Municipal Act, R.S.O. 1927, c. 233.	Section 432, line 2.	By substituting for the word "insane" the words "mentally ill, mentally defective or epileptic."
	Section 432, lines 3 and 4.	By substituting for the words "a Provincial Hospital for the Insane" the words "an institution within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
The Psychiatric Hospitals Act, R.S.O. 1927, c. 354.	Section 1, Clause (b).	By striking out the clause and substituting therefor "(b) 'Inspector' shall mean an inspector appointed under <i>The Mental Hospitals Act, 1935</i> ."
	Section 9 (3), line 5.	By substituting for the words "sections 6 and 7 of <i>The Hospitals for the Insane Act</i> " the words "section 21 of <i>The Mental Hospitals Act, 1935</i> ."
	Section 9 (3), lines 3 and 6 and Section 9 (4), line 3.	By substituting for the word "insane" the words "mentally ill, mentally defective or an epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
	Section 13 (1), Clause (a), lines 1 and 2.	By substituting for the words "insane within the meaning of sections 7 and 8 of <i>The Hospitals for the Insane Act</i> " the words "mentally ill, mentally defective or epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
	Section 14 (2), lines 2 and 10.	By substituting for the word "insane" the words "mentally ill, mentally defective or epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
	Section 14 (2), line 9.	By substituting for the words "in the form numbered 1 in <i>The Hospitals for the Insane Act</i> " the words "according to the provisions of section 21 of <i>The Mental Hospitals Act, 1935</i> ."
	Section 1, clause (c).	By repealing the clause and substituting therefor "(c) 'Inspector' shall mean an inspector appointed under <i>The Mental Hospitals Act, 1935</i> ."
The Private Sanitarium Act, R.S.O. 1927, c. 355.	Section 1, clause (c).	





ACT AMENDED	SECTION	MANNER IN WHICH AMENDED
The Private Sanitarium Act, R.S.O. 1927, c. 355— <i>Continued</i> .	Section 25 (2), line 4.	By inserting after the word "insane" the words "or to the superintendent of any institution under <i>The Mental Hospitals Act, 1935.</i> "
	Section 25 (2), line 6.	By inserting after the word "Hospital" the words "or such institution."
	Section 48, line 3.	By inserting after the word "insane" the words "or to an institution under <i>The Mental Hospitals Act, 1935.</i> "
Public Trustee Act, R.S.O. 1927, c. 151.	Section 15, as enacted by 1931, c. 23, s. 8.	By striking out the said section.
The Public Institutions Inspection Act, 1931, c. 80.	Section 2, clause (a).	By repealing the clause.
	Clause (b), lines 2, 3, 4.	By striking out the words "and in respect to mental hospitals shall mean the Minister of Health."
	Section 3, line 2.	By striking out the words "mental hospitals and."
	Section 4, line 2.	By striking out the words "of mental hospitals and."
	Section 5 (1), line 3.	By striking out the words "mental hospital or."
	lines 3, 4.	By striking out the words "as the case may be."
	Section 5 (2), line 3.	By striking out the words "or the Minister of Health."
	line 4.	By striking out the words "or the Minister of Health."
	lines 4, 5.	By striking out the words "as the case may be."
	line 6.	By striking out the words "hospital or other."
	Section 6, line 2.	By striking out the words "mental hospitals and."
	Clause (d), line 3.	By striking out the words "patients in mental hospitals and."
	Clause (f), line 2.	By striking out the words "mental hospitals and."
	Section 11 (2),	By repealing the subsection.
	Section 11 (3), line 2.	By substituting for the words "a mental hospital" the words "an institution under <i>The Mental Hospitals Act, 1935.</i> "



ACT AMENDED	SECTION	MANNER IN WHICH AMENDED
The Public Institutions Inspection Act, 1931, c. 80— <i>Continued.</i>	Section 11 (4), line 2.	By striking out the words "or mental hospital."
	line 3.	By substituting for the words "respective departments" the word "department."
	Section 12.	By repealing the section.



BILL

An Act respecting Mental Hospitals and  
Schools

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*1st Reading*

April 3rd, 1935

*2nd Reading*

*3rd Reading*

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MR. FAULKNER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Mental Hospitals and Schools.

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MR. FAULKNER

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# BILL

An Act respecting Mental Hospitals and Schools.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.     **1.** This Act may be cited as *The Mental Hospitals Act, 1935*.

## PART I

Interpre-  
tation.     **2.** In this Act and the regulations, unless the context otherwise requires,—

- |                     |  |
|---------------------|--|
| “Approved home.”    | (a) “Approved home” shall mean a home to which patients may be released from an hospital or hospital school in the manner provided under this Act and the regulations;   |
| “Child.”            | (b) “Child” shall include son and daughter;  |
| “Department.”       | (c) “Department” shall mean the Hospitals Division of the Department of Health for Ontario;  |
| “Deputy Minister.”  | (d) “Deputy Minister” shall mean the officer appointed to be in charge of the Department;  |
| “Examination unit.” | (e) “Examination unit” shall mean a place to which any person may be sent for observation, care and treatment in the manner provided under this Act and the regulations; |
| “Habitue.”          | (f) “Habitue” shall mean an alcoholic or drug habitue;   |
| “Hospital.”         | (g) “Hospital” shall mean an hospital established under this Act and shall include every approved home and examination unit connected therewith or forming part thereof; |
| “Hospital school.”  | (h) “Hospital school” shall mean a school established under this Act for mental defectives and shall include   |

every approved home and examination unit connected therewith or forming part thereof;

- (i) "Inspector" shall mean an officer of the Department appointed as an inspector for any of the purposes of this Act and the regulations; "Inspector."
- (j) "Institution" shall mean and include hospital, hospital school and examination unit; "Institution."
- (k) "Mental defective" and "mentally defective person" shall mean a person in whom there is a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury, and who requires care, supervision and control for his own protection or welfare or for the protection of others; "Mental defective" and "mentally defective person."
- (l) "Mental deficiency" shall mean the condition of mind of a mental defective; "Mental deficiency."
- (m) "Mentally ill person" shall mean a person other than a mental defective who is suffering from such a disorder of the mind that such person requires care, supervision and control for his own protection or welfare, or for the protection of others; "Mentally ill person."
- (n) "Mental illness" shall mean the condition of mind of a mentally ill person; "Mental illness."
- (o) "Minister" shall mean the Minister of Health for Ontario or such other member of the Executive Council as is charged for the time being with the administration of this Act; "Minister."
- (p) "Parent" shall include father and mother; "Parent."
- (q) "Patient" shall mean a person admitted under this Act and the regulations to an institution; "Patient."
- (r) "Regulations" shall mean regulations made under the authority of this Act; "Regulations."
- (s) "Steward" shall mean an officer of the Department who is appointed as the steward of an institution; "Steward."
- (t) "Superintendent" shall mean an officer of the Department who is appointed as the superintendent of an institution. "Superintendent."

**3.** The provisions of this Act shall apply to such institutions as may from time to time be designated by the regulations. Application to certain institutions.

Names of  
hospitals.

4.—(1) Every hospital established under this Act shall be known as "The Ontario Hospital" followed by the name of the city or town at or near which such hospital is located, or such name as the Lieutenant-Governor in Council may designate.

Names of  
hospital  
school.

(2) Every hospital school established under this Act shall be known as "The Ontario Hospital School" followed by the name of the city or town at or near which such hospital school is located, or such name as the Lieutenant-Governor in Council may designate.

Exempted  
from the  
Act.

5. Subject to the provisions of section 109, this Act shall not apply to,—

Rev. Stat.,  
c. 355.

(a) a sanitarium subject to *The Private Sanitarium Act*;

Rev. Stat.,  
c. 354.

(b) a psychiatric hospital established under *The Psychiatric Hospitals Act*.

Regulations.

6.—(1) The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as are necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time in like manner.

(2) Without limiting the generality of the provisions contained in subsection 1, it is declared that the powers of the Lieutenant-Governor in Council to make regulations in the manner set out in the said subsection shall extend to and include the following,—

- (a) designating the institutions to which this Act shall apply;
- (b) prescribing the district served and classes of patient to be treated in any institution;
- (c) the powers and duties of the Deputy Minister;
- (d) the appointment of superintendents, inspectors, stewards, assistants, clerks and other officers and employees and prescribing their powers and duties;
- (e) regulating the inspection, superintendence, government, management, conduct, operation, maintenance, care and use of institutions and equipment;
- (f) regulating the apprehension and admission of persons;



- (g) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension of patients;
- (h) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release or discharge from institutions, and all other forms required for the carrying out of the provisions of this Act and the regulations;
- (i) prescribing the records, books, accounting systems, audits, reports and returns to be made and kept respecting institutions;
- (j) regulating the financial business and affairs of institutions;
- (k) granting certificates of approval to approved homes and examination units and the fees payable therefor, and withdrawing such certificates;
- (l) fixing the situation, construction, equipment of approved homes and examination units;
- (m) declaring that any provisions of this Act and the regulations shall not be applicable to approved homes and examination units;
- (n) prescribing the charges which shall be paid by the party liable for the maintenance of patients in institutions;
- (o) prescribing the amounts to be paid by the Department for the care and maintenance of patients who are in an approved home; and
- (p) generally, the control of all other matters in any way relating to institutions, and for the better carrying out of the provisions of this Act.

## PART II

### ADMINISTRATION AND CONTROL

7.—(1) The administration of this Act and of every institution established thereunder, is vested in the Department, and the Deputy Minister shall be the chief executive officer of the Department responsible to and subject to the control of the Minister.



Delegation  
of authority  
by Deputy  
Minister.

(2) Where this Act and the regulations require or authorize the Deputy Minister to do any act, such act may be done by any person whom the Deputy Minister shall appoint to do such act.

Superin-  
tendent to  
control the  
institution.

**8.** Subject to section 7, the superintendent of an institution shall be in charge of and have control over the institution for which he is appointed, and shall superintend the conduct and management of all its affairs and control all officers, clerks, servants and employees thereof and all the patients therein.

Inspector.

**9.** The Lieutenant-Governor in Council may appoint inspectors with such designations or titles as he may deem expedient. 1931, c. 80, s. 4, *amended*.

Steward.

**10.** The financial business and affairs of an institution shall be in charge of the steward appointed thereto who shall be responsible to the superintendent of such institution.

Consent of  
Attorney-  
General  
for actions.

**11.—(1)** No action, prosecution or other proceedings shall be brought or be instituted against any officer, clerk, servant, or employee of the Department, or the Public Trustee, or against any other person for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority, without the consent of the Attorney-General.

Limitation  
of actions.

(2) All actions and prosecutions against any person for anything done or omitted to be done in pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Tort of  
patient.

(3) No action shall lie against any institution or any officer, employee or servant thereof for the tort of any patient.

Offences  
under Act.

**12.—(1)** No person shall,—

- (a) assist any patient in escaping or attempting to escape from an institution; or
- (b) do or omit an act for the purpose of aiding any patient in escaping or attempting to escape from an institution; or
- (c) abet or counsel any patient to escape; or
- (d) visit, assist, counsel or communicate with any patient after having been prohibited in writing from doing so by the Deputy Minister or any superintendent.

(2) Every one who violates any of the provisions of sub-<sup>Penalty.</sup> section 1 shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$100 and, in default of payment, to not more than thirty days' imprisonment.

(3) Every person who violates any provision of this Act or <sup>Penalties for offences.</sup> the regulations shall be guilty of an offence under this Act and shall upon conviction, where no penalty has been specifically provided, be liable to a fine of not less than \$10 and not exceeding \$100 and, in default of payment, to imprisonment for not more than thirty days.

(4) Every penalty imposed for an offence under this Act <sup>Recovery of penalties.</sup> shall be recoverable under *The Summary Convictions Act.*  
Rev. Stat.,  
c. 121.

### PART III

#### PATIENTS IN INSTITUTIONS

**13.**—(1) Application for the admission of any person as a <sup>Applications for admission.</sup> patient to an institution shall be made either verbally or in writing to the Deputy Minister or to a superintendent and no person shall be admitted to an institution until a direction has been issued by the Deputy Minister or a superintendent or other person in charge of an institution, and no person may present himself or be sent for admission to an institution until notice is received from the Deputy Minister or a superintendent that accommodation in an institution is available for such person.

(2) Where a direction and notice have been issued under subsection 1, the person named therein shall present himself or be taken to the institution named therein and shall be admitted to such institution in accordance with the provisions of such direction and notice.

**14.**—(1) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the <sup>Certificate or form not to be issued by practitioner related to another practitioner.</sup> regulations with respect to any person shall be made, issued, given or signed by any medical practitioner who is by blood or marriage closely related to or connected with any other medical practitioner who makes, issues, gives or signs a certificate or form with respect to the same person.

(2) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the <sup>Practitioner not to be related to person examined.</sup> regulations to be made, issued, given or signed by a medical practitioner respecting any person shall be made, issued, given or signed by a medical practitioner who is by blood or marriage closely related to or connected with such person.

Superintendent to be in charge of patients.

**15.** Except as provided by this Act, the superintendent of an institution shall have full control over and the custody and care of the person of every patient in such institution and every patient shall be maintained, cared for, treated in, released and discharged therefrom only as may be provided by this Act and the regulations.

Forms not invalid for defects in form or substance.

**16.** No form required by this Act and the regulations shall upon any application, by way of *certiorari*, or motion to quash or *habeas corpus*, be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance.

Transfers to public hospitals.

**17.**—(1) Where the superintendent of any institution reports to the Deputy Minister that any patient therein requires hospital treatment which cannot be supplied therein, the Deputy Minister shall, if otherwise permitted by law, have authority to transfer such patient to a public hospital for treatment, which cannot be supplied in the institution. 1931, c. 80, s. 11 (4), *part amended*.

Charges.

(2) The charges for such hospital treatment shall be paid by such patient unless he is an indigent person, in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act, 1931*. 1931, c. 80, s. 11 (4), *part amended*.

1930, c. 80.

Special inquiry by Deputy Minister or inspector.

**18.**—(1) Where the Deputy Minister or an inspector is authorized by the Minister to institute an inquiry into the management or affairs of any institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector or the Deputy Minister shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases.

(2) An inspector appointed under any other Act, the administration of which is under the charge of the Minister, may when authorized by the Minister exercise the powers conferred by subsection 1 in respect to any hospital or other institution subject to such other Act. 1931, c. 80, s. 5, *amended*.

## PART IV

### MENTALLY ILL AND MENTALLY DEFECTIVE PERSONS

Admission.

**19.** Any person who is mentally ill may be admitted to an institution as a voluntary patient, and any person who is



mentally ill or mentally defective may be admitted to an institution as a,—

- (a) certificated patient;
- (b) Deputy Minister's warrant patient;
- (c) Lieutenant-Governor's warrant patient;
- (d) patient remanded by a judge or a magistrate in accordance with the provisions of this Act and the regulations.

**20.**—(1) The superintendent of an institution may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in the prescribed form and whose mental condition, in the opinion of the superintendent, is such as to render him competent to make application. R.S.O. 1927, c. 353, s. 11 (1), *amended*. Voluntary patients, how admitted.

(2) Subject to the provisions of section 25, a person so received shall not be detained more than five days after having given notice in writing of his desire to leave the institution. R.S.O. 1927, c. 353, s. 11 (2), *amended*. Limit of period of detention.

(3) No person may be admitted as a voluntary patient who is,— When person not to be admitted as a voluntary patient.

- (a) a person suffering from mental illness or infirmity due to old age or from incurable disease for which general hospital or other institutional care is required;
- (b) a mental defective.

**21.**—(1) Certificated patients shall be admitted to an institution only upon the prescribed certificates of two medical practitioners, and in every case the history record and financial statement in the prescribed form shall accompany such certificate or certificates. R.S.O. 1927, c. 353, s. 6, *amended*. Certificated patients.

(2) Every such certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 7 (1), *amended*. Medical certificate.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the Contents.

Signature and attestation. Date. mental illness or deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness who shall not be a physician issuing a certificate, and shall show the date upon which the examination was made. R.S.O. 1927, c. 353, s. 7 (2), *amended*.

Limitation of certificate. (4) No person may be admitted as a certificated patient except within three months of the examination referred to in any certificate. R.S.O. 1927, c. 353, s. 7 (2), *amended*.

To be completed in 7 days and forwarded in 14 days. **22.** Every certificate shall be completed within seven days of the examination referred to therein and shall be forwarded within fourteen days of such examination to the Department or to the superintendent of the institution in the district where the patient resides, together with all other material required by this Act and the regulations.

Authority to convey and detain. **23.** Subject to the provisions of section 13, the certificate or certificates, when accompanied by the forms mentioned in subsection 1 of section 21, shall be sufficient authority to any person to convey the patient to the institution and to the authorities thereof to detain him therein, or to the authorities of any other institution to which the patient may have been or may be removed by the order of the Deputy Minister to detain him in such institution as long as he continues to be mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 8, *amended*.

Examination of destitute person. **24.** In any municipality where a mentally ill or mentally defective person is in destitute circumstances and is a fit subject for hospital treatment, application may be made to the head of the municipality for an examination to be made and certificates given in accordance with section 21, and the head of the municipality, if satisfied that such person is in destitute circumstances, shall immediately notify two medical practitioners to make the required examination. R.S.O. 1927, c. 353, s. 10, *amended*.

Certification of patient in an institution. **25.—(1)** Notwithstanding anything in subsection 2 of section 20, any mentally ill person who has been admitted as a voluntary patient and any habituate patient, or any person admitted under the provisions of section 36, or any person detained under section 61, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record and financial statement in the prescribed form.

Practitioner not to be Departmental officer, etc. (2) The certificates required by subsection 1 shall not be issued by any medical practitioner who is an officer of the



Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

(3) Upon a person being certificated under this section, he shall thereafter during the time he is a patient be a certificated patient within the meaning of this Act and be subject to the provisions of this Act and the regulations respecting certificated patients.

**26.**—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information to be mentally ill or mentally defective, such justice of the peace may issue his warrant in the prescribed form to apprehend such person and to cause him to be brought before a magistrate having jurisdiction. R.S.O. 1927, c. 353, s. 12 (1), *amended*.

(2) Every such warrant shall be under the hand and seal of the justice of the peace issuing the same and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 12 (2), *amended*.

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information has been laid and to bring him before a magistrate having jurisdiction, in order that inquiry may be made respecting the mental condition of such person and that he may be further dealt with according to law. R.S.O. 1927, c. 353, s. 12 (3), *amended*.

(4) Any person apparently mentally ill or mentally defective and conducting himself in a manner which in a normal person would be disorderly, may be apprehended without a warrant by any constable or peace officer and detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 29. R.S.O. 1927, c. 353, s. 13, *amended*.

(5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant or in the manner provided in the next preceding subsection, he shall be brought before a magistrate and the magistrate may thereupon by his order in the prescribed form direct that such person be confined in some safe and comfortable place, or in the custody of the constable or other person who appre-

hended him, or such other safe custody as the magistrate deems fit, until the question of his mental condition is determined. R.S.O. 1927, c. 353, s. 14, *amended*.

Appointment  
of medical  
examiner.

**27.**—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section. R.S.O. 1927, c. 353, s. 15 (1).

Examination  
by two  
medical  
practitioners.

(2) Immediately upon the apprehension of an alleged mentally ill or mentally defective person the magistrate before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or if no medical practitioner has been so appointed the magistrate shall notify two legally qualified medical practitioners and shall cause an examination to be made in the manner provided in section 21. R.S.O. 1927, c. 353, s. 15 (2), *amended*.

Hearing of  
evidence,  
inquiring  
among  
friends, etc.

**28.**—(1) The magistrate, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the mental condition of the said alleged mentally ill or mentally defective person and shall direct that inquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had, and for the purpose of ascertaining whether the alleged mentally ill or mentally defective person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit as far as possible all information in respect to the matters mentioned in the prescribed form; but if the magistrate finds that such inquiries will be expensive or that sufficient information has been obtained by other means, he shall not be required to make the inquiries by this section directed.

Adjourn-  
ment of  
inquiry.

(2) The magistrate may from time to time adjourn the inquiry and again commit to custody, as prescribed by subsection 5 of section 26, until proper inquiry is made as directed by this section. R.S.O. 1927, c. 353, s. 16, *amended*.

Magistrate's  
certificate  
of mental  
illness or  
defect.

**29.**—(1) If, after reasonable inquiry has been made by the magistrate as herein directed, he is satisfied that such alleged mentally ill or mentally defective person is mentally ill or mentally defective, he shall certify accordingly in the prescribed form.

Discharge  
of persons  
not mentally  
ill or  
defective  
and  
disposal of  
persons  
whose  
mental  
condition is  
uncertain.

(2) If both the medical practitioners making the examination do not agree, or if the magistrate is not satisfied that

such person is mentally ill or mentally defective, the magistrate shall forthwith discharge him, or order such further examination as he shall deem expedient, or may remand him to an institution for a period not exceeding sixty days, in which case the provisions of subsections 2, 3 and 4 of section 36 shall apply *mutatis mutandis*. R.S.O. 1927, c. 353, s. 18, *amended*.

**30.**—(1) Where any such person is found to be mentally ill or mentally defective the magistrate shall immediately transmit to the Deputy Minister his certificate and the certificates of the medical practitioners and the information, warrant and depositions taken before him, accompanied by a written statement of the result of his inquiries as to the financial condition of such mentally ill or mentally defective person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in the prescribed form, so far as ascertained, and giving the present address of such mentally ill or mentally defective person, and the name and address of the person in whose custody he is, and such further information as he may deem advisable.

Magistrate's certificate, etc., to be sent to Deputy Minister.

(2) The Deputy Minister, on receipt of such documents, shall arrange for the admission of such mentally ill or mentally defective person to an institution and shall issue a warrant in the prescribed form for his transfer thereto. R.S.O. 1927, c. 353, s. 19, *amended*.

Deputy Minister's warrant and removal to institution.

**31.** A magistrate in making an inquiry shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act. R.S.O. 1927, c. 353, s. 21, *amended*.

Application of Rev. Stat., c. 121.

**32.**—(1) The Deputy Minister may, by warrant, transfer a patient from any institution to any other institution.

Transfer of patient.

(2) Where a patient is transferred under subsection 1 from an hospital school to an hospital or from an hospital to an hospital school, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

Transfer from hospital to hospital school and vice versa.

(3) Where a patient is transferred under subsection 1 from the Ontario Hospital, Woodstock, to any other institution, or from any other institution to the Ontario Hospital, Woodstock, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

Transfer to and from Ontario Hospital, Woodstock.



Lieutenant-Governor's warrant.

**33.**—(1) The Lieutenant-Governor, upon evidence satisfactory to him that any person imprisoned in any prison, reformatory, reformatory prison, reformatory school, industrial school or industrial refuge for an offence under the authority of any of the statutes of Ontario, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, is mentally ill, mentally deficient or epileptic, may order the removal of such person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time may order, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged; provided that where such person is confined in an institution he shall, if and when he is not liable to imprisonment, be subject to the direction of the Minister, or such other person as the Lieutenant-Governor in Council may designate, who may make such orders or directions in respect of such person as he may deem proper. R.S.O. 1927, c. 353, s. 22, *amended*.

Record of sentence to be sent to Deputy Minister.

1931, c. 80.

(2) Where the Lieutenant-Governor has ordered the removal of any such person under subsection 1, a record of the sentence of such person shall be sent to the Deputy Minister by the officer referred to in subsection 1 of section 11 of *The Public Institutions Inspection Act, 1931*.

Warrant valid notwithstanding irregularity of prior proceedings.

**34.** A warrant for the removal of any mentally ill or mentally defective person to an institution may be issued notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined or in any of the proceedings before the magistrate. R.S.O. 1927, c. 353, s. 25, *amended*.

Deportation.

**35.** Upon its appearing to the Lieutenant-Governor that any mentally ill, mentally defective or epileptic patient detained in an institution has come or been brought into Ontario from elsewhere within thirty days prior to his committal to such institution, the Lieutenant-Governor may, by his warrant, authorize the removal of such person to the province or country from which he has so come or been brought. R.S.O. 1927, c. 353, s. 27, *amended*.

Remand by judge or magistrate.

**36.**—(1) Any person may be admitted to an institution upon the order of a judge or magistrate where such person has been apprehended either with or without warrant and charged with any offence, provided that such order is accompanied by the prescribed history form, and provided also that such order shall be for a period not exceeding sixty days, and any

order made under this section shall direct that such person shall be conveyed to the institution most conveniently situated to the place where the order is made.

(2) Before the expiration of the time contained in the order of the judge or magistrate mentioned in subsection 1, the superintendent shall report in writing the mental condition of such person to the judge or magistrate. <sup>Superintendent's report.</sup>

(3) Where in the opinion of such superintendent such person is mentally ill or mentally defective, he shall direct the examination of such person as provided for by section 25, and if the examining medical practitioners certify such patient to be mentally ill or mentally defective he shall be detained as a certificated patient and shall be subject to all the provisions of this Act and of the regulations respecting certificated patients. <sup>Certification.</sup>

(4) Where in the opinion of the superintendent such patient is neither mentally ill nor mentally defective and where the superintendent has failed to obtain certificates in the prescribed form he shall discharge such person to the custody of the court by which he was ordered to the institution. <sup>Return of patient to court.</sup>

#### PROBATION

**37.**—(1) If the superintendent considers it conducive to the recovery of any patient that he should be committed for a time to the custody of his family or friends, the superintendent may allow him to return on probation to them upon receiving a written undertaking in the prescribed form by one or more of the family or friends of such person that he or they will keep an oversight over him. R.S.O. 1927, c. 353, s. 29 (1) *amended*. <sup>Probation.</sup>

(2) If within six months from such release on probation the patient again becomes mentally ill or defective to such a degree that his confinement in an institution is necessary, the superintendent by whom he was released on probation or the Deputy Minister, may by warrant in the prescribed form directed to any constable or peace officer or other person, authorize and direct that such patient be apprehended and brought back to the institution from which he was released on probation, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the institution. R.S.O. 1927, c. 353, s. 30, *amended*. <sup>Return from probation.</sup>

(3) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be released on probation unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment. <sup>Patients liable to imprisonment.</sup>



Application  
of the  
Act to  
probationers.

**38.** Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such release be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control as if he were not so released but had remained in the institution.

#### APPROVED HOME

Certificate  
for approved  
home.

**39.** The Minister may issue certificates approving of any building, premises or place as an approved home for the reception of patients who are released from an hospital or hospital school into the custody of such home and entitling any person to receive into the approved home one or more patients as if such approved home had been established as an hospital under the authority of this Act.

Release of  
patients to  
approved  
homes.

**40.—(1)** If the superintendent considers it conducive to the recovery of any patient, the superintendent may place such patient in an approved home, subject to the provisions of this Act and the regulations.

Patients  
liable to  
imprison-  
ment.

**(2)** No person admitted to an institution on the warrant of the Lieutenant-Governor shall be placed in an approved home unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment.

Application  
of the Act  
to patients  
in approved  
homes.

**41.** Any patient admitted to an institution who is placed in an approved home shall for the purposes of this Act and the regulations be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control, as if he were not so released but had remained in the institution.

#### DISCHARGE

Voluntary  
patient.

**42.—(1)** A voluntary patient shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, it is in the interest of such patient or of the hospital that he be discharged; or

(b) for admission to a sanitarium which is subject to *The Private Sanitarium Act*; or

Rev. Stat.,  
c. 355.

- (c) in accordance with the conditions upon which he was admitted.—

(2) A voluntary patient may be discharged when default is made in payment of his maintenance.

**43.** A certificated patient shall be discharged from the institution in which he is a patient— Certificated patient.

- (a) when, in the opinion of the superintendent, he is sufficiently recovered; or

- (b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitarium Act*. Rev. Stat., c. 355.

**44.**—(1) Any patient who has been admitted to an institution on the warrant of the Lieutenant-Governor or Deputy Minister shall be discharged from the institution in which he is a patient— Lieutenant-Governor's and Deputy Minister's warrant patient.

- (a) when, in the opinion of the superintendent, he is sufficiently recovered; or

- (b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitarium Act*. Rev. Stat., c. 355.

(2) The superintendent shall not discharge any patient under this section unless the Deputy Minister has certified to the superintendent that such person is no longer liable to imprisonment. Discharge.

**45.** The Deputy Minister may, upon the report of an inspector, direct that any patient in an institution whose mental condition is due to senility and whose conduct is recorded as quiet and harmless and who is a proper subject for care in a house of refuge, be discharged from such institution and placed in a house of refuge in the county in which he was a resident at the time of admission to the institution and the board of management and superintendent of such house of refuge shall admit such person and maintain him therein. 1931, c. 80, s. 12, *amended*. Removal of patient to house of refuge.

#### ESCAPE AND APPREHENSION

**46.**—(1) Any patient admitted to an institution who escapes therefrom or who, contrary to the provisions of this Act or the regulations, leaves or is taken away or removed Apprehension of escaped patient.

therefrom may be apprehended without a warrant at any time within sixty days from the day of his escape by any peace officer, police officer or police constable or any person appointed by the superintendent or the Deputy Minister.

Detention  
pending  
return to  
institution.

(2) Any patient upon his apprehension under the provisions of subsection 1 shall be taken to and confined in any place of detention and from thence and as speedily as possible be returned to an institution. R.S.O. 1927, c. 353, s. 28, *amended*.

## PART V.

### HABITUES

Voluntary  
admission.

47.—(1) The superintendent of an institution may receive and detain therein as a patient, any habitue for care and treatment who voluntarily makes written application in the prescribed form provided that in the opinion of such superintendent he is, at the time of his admission, capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1927, c. 353, s. 55, *amended*.

Time of  
detention.

(2) Subject to section 25, such habitue may be detained in the institution for a period of one year, and no longer, and it shall be a condition of his admission to the institution that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required; and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the institution while an inmate of the same. R.S.O. 1927, c. 353, s. 56, *amended*.

Pledge.

Commitment  
on judge's  
order.

48.—(1) On petition verified by oath, presented to a judge in chambers of the county or district court of the county or district in which the alleged habitue resides, setting forth that the alleged habitue is a *bona fide* resident of Ontario, and is so given over to the use of alcohol or drugs that he is unable to control himself or is incapable of managing his affairs or squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interests of his family or his creditors, or that he uses drugs or intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the judge shall direct that a copy of the petition, together with a notice of appointment in the prescribed form, shall be served upon the alleged



habitué at least forty-eight hours before the time fixed for the hearing.

(2) Such petition may be made by any relatives, whether Who may petition. by blood or affinity, or, if he has no relatives in Ontario by any friend of the alleged habitué or by the family medical attendant. R.S.O. 1927, c. 353, s. 58, *amended*.

49.—(1) The judge shall attend at the time and place Inquiry. named in the appointment and then and there proceed upon *viva voce* evidence to inquire into the matters and allegations set forth in the petition, and whether or not the alleged habitué is in attendance or is represented may proceed to inquire into the matters and allegations set forth in the petition provided that service of the appointment as required by the next preceding section is proven and he may in his discretion adjourn the inquiry from time to time. R.S.O. 1927, c. 353, s. 59, *amended*.

(2) Where at the time that service of the appointment and of the copy of the petition is sought to be served, the alleged habitué is confined in an institution under the provisions of section 54 and is in the opinion of the superintendent suffering from the effects of alcohol or drugs to such a degree that he is incapable of appreciating the nature of such documents or is unable to attend before the judge on the return of the appointment, such superintendent shall report such facts to the judge in writing and the judge may, where he deems it expedient to do so, proceed with the inquiry in the absence of the alleged habitué. Where person petitioned against cannot appear.

(3) Where any such alleged habitué is detained in an Where the person is detained in an institution. institution under the provisions of section 54, the judge may order that such person be there detained until a date not later than ten days after the completion of the inquiry.

50. The judge shall have the same powers as to summoning Powers of judge. witnesses, enforcing their attendances and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. R.S.O. 1927, c. 353, s. 60.

51.—(1) If the judge upon such inquiry finds the person Judge's report. petitioned against to be an habitué, and so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property; or places his family in danger or distress, or transacts his business prejudicially to the interests of his family or his creditors; or that he uses drugs or intoxicating liquors to such an extent

as to render him dangerous to himself and others; or incurs the danger of ruining his health or shortening his life, the judge shall forthwith report the fact to the Deputy Minister and with the report shall transmit the evidence taken accompanied by a written statement of the result of his inquiries as to the financial condition of such habitue, and the person or persons legally liable for his maintenance and giving the present address of such habitue and the name and address of the person in whose custody he is, and the names and addresses of such persons, if any, dependent upon him for support.

Hearing of  
evidence.

(2) For the purposes aforesaid, the judge shall hear such evidence upon oath and may require that some person or persons who is or are acquainted with his family and previous habits be heard for the purpose of ascertaining whether the said habitue is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon him for support. R.S.O. 1927, c. 353, s. 61, *amended*.

Deputy  
Minister's  
warrant.

**52.**—(1) Upon receipt of the report and evidence the Deputy Minister may by warrant direct the removal of the habitue to an institution to be placed under treatment and detained therein for a period not exceeding two years.

Detention  
pending  
removal to  
institution.

(2) The judge may order that such habitue be confined in some safe and comfortable place, or such other custody as the judge deems fit until such time as he may be removed to an institution. R.S.O. 1927, c. 353, s. 62, *amended*.

Temporary  
commitment  
by two  
medical  
practitioners.

**53.**—(1) Any person who is suffering from the effects of alcohol or drugs may be admitted to an institution and detained therein for a period not to exceed thirty days on the certificates of two medical practitioners in the prescribed form accompanied by the prescribed history form.

Form of  
medical  
certificate.

(2) Such certificate shall state and show clearly that each of the medical practitioners signing it personally examined such person and as a result of such examination and of information communicated to him by other persons is of opinion that such person is suffering from the effects of alcohol or drugs to such a degree as to require hospital care.

Contents.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness and shall show the date upon which the examination was made.



(4) No person shall be admitted as an habituate patient upon any such certificate except within three days of the examination referred to in any certificate. Limitation of certificate.

54. The certificates when accompanied by the prescribed history form shall be sufficient authority for any one to convey such person to an institution, provided that permission, either verbally or in writing for such admission has been obtained from the Deputy Minister or the superintendent, and shall be sufficient authority for the superintendent to detain the person named therein. Authority to convey and detain.

55. The superintendent of any institution shall have full authority to discharge any patient who has been admitted to such institution as an habitue when— Discharge of habitues.

(a) in the opinion of the superintendent he is sufficiently recovered; or

(b) it is in the interest of such patient or of the hospital that he be discharged; or

(c) for admission to a sanitarium which is subject to *The Private Sanitarium Act*; or Rev. Stat., c. 355.

(d) default is made in payment of his maintenance.

56. Sections 24, 25, 32, 37, 38, 39, 40, 41, 45 and 46 inclusive of this Act shall apply *mutatis mutandis* to habitues. Provisions applicable to habitues.

## PART VI

### EPILEPTICS

57. The Ontario Hospital, Woodstock, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province and the object and design of such hospital shall be to provide for the treatment and custodial care of epileptics. R.S.O. 1927, c. 356, ss. 1, 2, *amended*. Ontario Hospital, Woodstock, object and design.

58. Any person suffering from epilepsy may be admitted to such hospital who is a— Admission: classes of patients.

(a) voluntary patient;

(b) certificated patient;

(c) Deputy Minister's warrant patient;

- (d) Lieutenant-Governor's warrant patient;
- (e) patient remanded by a judge or magistrate for observation in accordance with the provisions of this Act and the regulations.

Provisions  
applicable.

**59.** The provisions of sections 20 to 46 shall apply *mutatis mutandis* to the Ontario Hospital, Woodstock.

## PART VII

### EXAMINATION UNITS

Certificate.

**60.** The Minister may issue certificates approving of any building, premises or place, or part of any building, premises or place including any part of any hospital or hospital school as an examination unit.

Admission  
of patients  
on medical  
certificate.

**61.**—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an examination unit may be admitted thereto for a period not exceeding thirty days with the permission of the Deputy Minister or superintendent, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form.

Authority  
to convey  
and detain.

(2) The certificate mentioned in subsection 1 of this section shall be sufficient authority to any person to convey the person named therein to such examination unit and to the authorities of the said examination unit for his detention therein.

Limit  
of stay in  
examination  
unit.

**62.** No patient shall remain in an examination unit for a period in excess of thirty days, provided that the Deputy Minister shall have authority to extend the period for an additional sixty days in the case of any patient other than a patient who has been admitted according to the provisions of the next preceding section.

Disposal  
of patients.

**63.**—(1) Where a person has been admitted to and is a patient in an examination unit according to the provisions of section 61, he shall be discharged, or certificated according to the provisions of section 25, as the needs of his case may require.

Certificated  
patients,  
removal of

(2) Where a person has been certificated under subsection 1, he shall be transferred to an hospital or hospital school and he shall thereafter be subject to the provisions of this Act and the regulations with respect to patients in an hospital or hospital school.

## PART VIII

## LIABILITIES OF MUNICIPALITIES, MAINTENANCE, PROPERTY

**64.**—(1) The necessary costs and expenses incurred under the provisions of sections 24, 25, 26 to 30 and 36 in determining the mental condition of any person including a fee not exceeding \$5 and a travelling allowance of 10 cents per mile of each medical practitioner who issues a certificate in respect of such person and the necessary expenses incurred in conveying such person to and from an institution shall be paid by the municipality from which such person came or was sent to an institution. Liability of municipality for costs of determining mental condition.

(2) Where such person is not in destitute circumstances the costs and expenses may be recovered by the municipality from his estate or from him or the person liable for his maintenance. Recovery from estate, etc.

(3) Subject to subsection 2 where the costs and expenses mentioned in subsection 1 hereof are paid by a municipality in which such person did not actually reside at the time of his admission to an institution, such costs and expenses may be recovered by the municipality paying the same from the municipality in which such person actually resided at the time of admission to the institution. Recovery from municipality where patient resided.

(4) Such costs and expenses shall be reimbursed to the corporation of the municipality by the corporation of the county where the municipality paying the same is a part of the county for municipal purposes. Reimbursement.

**65.**—(1) If an alleged mentally ill, mentally defective or epileptic person deported from any country to Ontario is adjudged mentally ill, mentally defective or epileptic and is removed to an institution, all the costs and expenses properly incurred in his apprehension, examination and detention pending his removal to such institution, shall be paid by the corporation of the municipality in which such person was last resident in Ontario prior to his departure to the country from which he was deported. Persons deported into Ontario, costs of examining.

(2) Where such person is not in destitute circumstances, the costs and expenses referred to in subsection 1, paid by the corporation of any municipality in which such person was last resident in Ontario prior to his departure to the country from which he was deported, may be recovered by it from the estate of such person or from the person liable for his maintenance and the same shall be charged against the estate of such person Reimbursement.



or shall be paid by the person legally liable for his maintenance. R.S.O. 1927, c. 353, s. 20, *amended*.

Liability of  
municipality  
for  
maintenance.  
Rev. Stat.,  
c. 29.

**66.**—(1) The provisions of section 24 of *The Corporations Tax Act* shall apply to any institution within the meaning of this Act except the Ontario Hospital, Woodstock.

(2) Every municipality shall be liable in the amount of 50 cents per day, including the day of admission and discharge, for the maintenance of every indigent patient in the Ontario Hospital, Woodstock, who resided in such municipality at the time of his admission to the hospital.

Inquiry  
regarding  
estate.

**67.**—(1) Upon due application for the admission of any person the superintendent and steward of the institution shall make a full and thorough inquiry respecting the estate, either in existence or in prospect, of such person and of its sufficiency, free from all claims of his family, to supply the means necessary for his maintenance and clothing in the institution as provided by the regulations.

Bond for  
maintenance.

(2) The superintendent and steward shall where possible require from the person liable for maintenance of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part; and such agreement or bond shall continue in force so long as the patient is maintained in any institution.

Liability  
limited.

(3) Where the obligation is for a limited period nothing herein shall extend the liability beyond the period limited

Liability of  
Patient's  
estate.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the institution as hereinafter provided. R.S.O. 1927, c. 353, s. 9, *amended*.

patient's  
liability.

**68.** Any patient admitted to an institution who has at the time of his admission or subsequently comes into the possession of property shall be liable for his maintenance. R.S.O. 1927, c. 353, s. 34, *amended*.

Liability  
for married  
woman.

**69.** Any person whose wife is a patient shall be liable for the maintenance of such patient. R.S.O. 1927, c. 353, s. 34, *amended*.

Liability  
for child.

**70.** A parent shall be liable for the maintenance of his child who is a patient. R.S.O. 1927, c. 353, s. 31, *amended*.

Notice of  
liability.

**71.** It shall be the duty of the steward of an institution to send a written notice on the first day of each of the months of

January, April, July and October to the party liable for payment of the maintenance of any patient, giving the date of patient's admission to the institution and the amount which is due and owing for his maintenance as provided by the regulations, and in such notice a demand shall be made by the steward upon the party liable for payment of maintenance for such sum as may be due and owing and such sum shall be forthwith paid on such demand. R.S.O. 1927, c. 353, ss. 31, 32, *amended*. Demand.

**72.**—(1) In case of refusal or neglect to pay the sum so demanded, the Deputy Minister or any officer whom he may designate may apply to a judge of the county or district court of the county or district in which the person liable to pay resides for an order for the payment of the amount then due. Application order for payment of maintenance.

(2) Ten days' notice of the application shall be given. Notice.

(3) If the judge is satisfied that the person against whom the application is made is liable he may make an order accordingly, and such order may be enforced in the same manner as a judgment of the court. R.S.O. 1927, c. 353, s. 33, *amended*. Judge's order.

**73.** Subject as in this Part is otherwise provided the Public Trustee shall *ex officio* be the committee of the estate of every patient admitted to an institution until he is discharged therefrom. R.S.O. 1927, c. 353, s. 35, *amended*. Public Trustee *ex officio* committee.

**74.** If prior to or at the time any person is admitted as a patient in an institution the Supreme Court under the authority of *The Lunacy Act* has appointed some person other than the Public Trustee to be the committee of the estate of such person, the Public Trustee shall not in such case be the committee unless he is subsequently appointed as such by the Supreme Court. *New*. Where committee appointed prior to admission. Rev. Stat., c. 98.

**75.** Notwithstanding that under the authority of *The Lunacy Act* some person other than the Public Trustee has been appointed by the Supreme Court as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee shall have and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients' estates. *New*. Appointment of Public Trustee instead of committee under *The Lunacy Act*.

**76.** The Public Trustee shall not be the committee of the estate of a voluntary patient, or an habituate patient until When Public Trustee is committee for voluntary and habituate patient.



such patient remains as a patient in an institution for a period of not less than three months, unless prior to the expiration of such period the patient by writing under seal signed by him appoints the Public Trustee as committee or the Public Trustee is appointed as committee by the Supreme Court. *New.*

Appointment  
of committee  
by Supreme  
Court.

**77.** If the Supreme Court shall at any time appoint a committee of the estate of any patient under the provisions of *The Lunacy Act* the Public Trustee shall thereupon cease to be committee, and shall account for and transfer to the committee so appointed the estate of the patient which has come into his hands, retaining however so much as may be due for the maintenance of the patient. R.S.O. 1927, c. 353, s. 36, *amended.*

Consent of  
Public  
Trustee.

**78.** An order shall not be made for the appointment of a committee of any patient confined in an institution without the consent of the Public Trustee, unless five days' notice shall have previously been given to him. R.S.O. 1927, c. 353, s. 37, *amended.*

Acts of  
Public  
Trustee not  
affected by  
subsequent  
appointment.

**79.** The acts of the Public Trustee while committee of a patient shall not be rendered invalid by the making of an order appointing another committee. R.S.O. 1927, c. 353, s. 38.

When  
service of  
process to  
be made on  
Public  
Trustee.

**80.** When an action or proceeding is brought or taken against any patient in an institution for whom a committee has not been appointed by the court and such action or proceeding is in connection with the estate of such person, the writ or other document by which the proceedings are commenced and any other document requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the name of the institution in which the patient is detained, and shall also be served upon the patient unless in the opinion of the superintendent of the institution personal service upon the patient would cause serious harm to him by reason of his mental condition, in which case it shall also be served upon the superintendent. R.S.O. 1927, c. 353, s. 39, *amended.*

Powers of  
Public  
Trustee.

**81.** The Public Trustee as statutory committee of any such patient shall have and may exercise all the rights and powers with regard to the estate of the patient that such patient would have if of full age and of sound and disposing mind. R.S.O. 1927, c. 353, s. 40, *amended.*

Recital in  
documents  
as to  
patients.

**82.** Any recital in a lease, mortgage or conveyance that the patient is in an institution and that the Public Trustee is

his statutory committee shall be *prima facie* evidence of the facts recited. R.S.O. 1927, c. 353, s. 44, *amended*.

**83.** The powers conferred upon the Public Trustee as statutory committee of the estate of a patient may be exercised:

Purposes for which powers of Public Trustee may be exercised.

- (a) notwithstanding the patient being released upon probation or being placed in an approved home;
- (b) to carry out and complete any transaction entered into by the patient before he or she became a patient in an institution;
- (c) to carry out and complete any transaction entered into by the statutory committee notwithstanding that the patient may have been discharged or may have died after the transaction was commenced.

R.S.O. 1927, c. 353, s. 45, *amended*.

**84.** The costs, charges and expenses of the Public Trustee and any money advanced by him for the patient or for the maintenance of the family of the patient shall be a charge upon the property of the patient, and the Public Trustee may register a certificate under his hand and seal of office giving notice of any lien claimed and the property against which it is claimed in any registry office or land titles office. R.S.O. 1927, c. 353, s. 46.

Costs and charges of Public Trustee lien on property.

**85.** Every gift, grant, alienation, conveyance or transfer of property made by any person who is or becomes a patient in an institution shall be deemed to be fraudulent and void, as against the statutory committee, if the same is not made for full and valuable consideration actually paid or sufficiently secured to such person, or if the purchaser or transferee had notice of his mental condition. R.S.O. 1927, c. 353, s. 47, *amended*.

When gifts, grants, etc., deemed fraudulent.

**86.** Upon the death of any patient the Public Trustee may until probate of the will or letters of administration to the estate of such patient is granted to some other person and notice is given to the Public Trustee, continue to manage the estate and may exercise with respect thereto the powers which an executor would have if the property were devised or bequeathed to him in trust for payment of debts and distribution of the residue. R.S.O. 1927, c. 353, s. 48, *amended*.

Case of death of patient.

**87.** The Public Trustee shall be liable to render an account as to the manner in which he has managed the property and effects of the patient in the same way and subject to the same

Account by Public Trustee.

responsibility as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee but shall be personally liable only for wilful misconduct. R.S.O. 1927, c. 353, s. 49, *amended*.

Compensation of Public Trustee.

**88.** For the services rendered by the Public Trustee as committee of a patient, he may be allowed compensation not exceeding the amount which a trustee would be allowed for like services, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation. R.S.O. 1927, c. 353, s. 50.

Relief of Public Trustee on discharge of patient.

**89.** When a person discharged from an institution may not in the opinion of the Public Trustee based upon the report of the superintendent of such institution be competent to manage his affairs and the Public Trustee has in his hands property of such person as committee under this Act, he may apply to the Supreme Court for directions as to the disposal of such property; and the court may give such orders and directions in the premises as it may deem just. R.S.O. 1927, c. 353, s. 51, *amended*.

Payment of charges for maintenance of patient.

**90.** The Public Trustee shall, out of the money in his hands belonging to a patient for whom he is statutory committee, pay the proper charges for his maintenance in the institution in which he is a patient, and he may also pay such sums as he may deem advisable to the family of such patient or other person dependent upon him, and the payments for the maintenance of the family and other dependents may be made notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient. R.S.O. 1927, c. 353, s. 52, *amended*.

Payment of money out of court.

**91.** If there is any money in court to the credit of a patient the same shall be paid out to the Public Trustee upon his written application, and it shall not be necessary to obtain an order of the court or a judge for this purpose. R.S.O. 1927, c. 353, s. 54, *amended*.

Statutory duty.

**92.** Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate.

Administrator for Manitoba may be appointed committee in Ontario.

**93.**—(1) The Lieutenant-Governor in Council may appoint the administrator of Estates of Insane Persons for the Province of Manitoba to be committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum in Manitoba.



(2) The Lieutenant-Governor in Council may appoint the Administrator of Estates of the Mentally Incompetent of the Province of Saskatchewan to be the committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum or mental hospital in Saskatchewan. Saskatchewan.

(3) An order-in-council making such an appointment of the officer mentioned in subsection 1 or subsection 2 of this section shall be conclusive proof that all conditions precedent necessary to the appointment have been fulfilled. Order-in-Council conclusive as to appointment.

(4) The appointee under an order-in-council issued under this section shall possess the same rights, powers, privileges and immunities as are conferred by this Act and the amendments thereto upon the Public Trustee for Ontario, and he shall be subject to the same obligations and shall perform the same duties. R.S.O. 1927, c. 353, s. 65. Powers of Administrator in Ontario.

## PART IX

### MENTAL HEALTH CLINICS

**94.** Subject to the provisions of this Act and the regulations the Department shall have power and authority to establish clinics known as "Mental Health Clinics." Establishment.

**95.** The Minister shall have authority to appoint an officer who shall be a duly qualified medical practitioner to be in charge of each clinic with such title as the Minister may designate. Officer in charge.

**96.** The staff of each clinic, in addition to the officer designated in the next preceding section, shall consist of an assistant trained in psychology, an assistant trained in social service, and such other assistants as provided by the regulations. Staff.

**97.** All salaries, remuneration and expenses of the clinics and of their officers, clerks and servants shall be paid out of the Consolidated Revenue Fund upon the certificate of the Minister or of an officer of his Department designated by him for the purpose. Expenses.

**98.** Subject to the direction of the Deputy Minister, a mental health clinic may do any act or perform such services which by law the Department is permitted or authorized to do. Powers of a clinic.

**99.** Notwithstanding the provisions of the next preceding section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of: Authority to conduct examinations.

- (a) Any person other than an infant who may apply for such examination; and
- (b) Any infant upon the request verbally or in writing of his parent; and
- (c) Any person who may be sent by any organization approved by the Deputy Minister, provided such person has first given his consent to such examination; and
- (d) Any person on the order of any magistrate.

Examination  
of pupils.

**100.**—(1) Subject to the provisions of this section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of any or all pupils of any elementary or secondary school other than a private school and including any public, separate, continuation, vocation or high school.

Request of  
board of  
trustees,  
etc.,  
necessary.

(2) Such examination shall be conducted only on the request in writing of the board of public school trustees, board of separate school trustees, board of education, or other board having control of the school in which the examination is requested to be conducted.

Consent  
of parent.

(3) The consent in writing of the parent for such examination must first be obtained, provided that a consent for medical examination according to the provisions of *The Public Schools Act* and regulations shall be consent for the purposes of this section.

Report of  
examination  
of pupils.

(4) The officer in charge of the clinic shall report the results of an examination under this section to the Minister of Education and to the Minister of Health, and, the officer may report such results to the parent.

Where  
examination  
to be held.

**101.**—(1) Examinations under this Part may be conducted in any place or places which the officer in charge of the clinic deems expedient.

May be  
held in  
schools.

(2) Examinations under section 100 may be conducted in any of the schools referred to therein, at such time or times as the person in charge of the school shall designate as convenient.

Authority  
to give  
advice.

**102.** Subject to the direction of the Minister, a mental health clinic upon the request of any person, body, group, organization or corporation shall have authority to give advice



on matters pertaining to mental health and mental disease or matters reasonably ancillary thereto.

**103.** The officer in charge of the mental health clinic may report the results of an examination under section 99 to: <sup>Report of examination.</sup>

- (a) the Department;
- (b) the person examined;
- (c) to any person or organization upon whose order or request the examination was undertaken;
- (d) any person who in the opinion of such officer has a *bona fide* interest in the person examined;

and, subject to the provisions of this section, the records of any mental health clinic shall not be open to public inspection.

## PART X

### AGREEMENT BETWEEN PROVINCE AND DOMINION

**104.** The Lieutenant-Governor in Council shall have power to authorize an agreement with His Majesty the King in right of His Dominion of Canada represented by the Honourable the Minister of Pensions and National Health or the Minister of such other Department of the Government of Canada as may from time to time be charged with the care and treatment of insane, epileptic, mentally ill or mentally defective former members of His Majesty's Military or Naval Forces who served during the War of 1914-18 whereunder the said Department shall, subject to regulations not inconsistent with this Act appended to and forming part of the said agreement, establish, operate, maintain, control and direct in the Province of Ontario institutions within the meaning of this Act for the care, treatment and detention of such former members of the Forces and former members of any Forces which were allied with His Majesty's Forces during the War of 1914-18 and members of the Permanent Force within the meaning of *The Militia Act*, and who are insane or epileptic or who are mentally ill or mentally defective within the meaning of this Act and to authorize such alterations in or amendments of such agreement as may from time to time appear necessary or desirable. 1920, c. 108, *amended*. <sup>Agreement with Dominion Government authorized.</sup> <sup>R.S.C., c. 132.</sup>

**105.—(1)** Any regulations adopted by the parties to the agreement in section 104 mentioned shall have the same force and effect as if enacted in this Act. <sup>Regulations.</sup>

(2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the authority to adopt regulations shall extend to and include the following:

- (a) regulating the admission, commitment and detention of such members to such institutions, notwithstanding any provision to the contrary in any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons, and for greater certainty but not so as to restrict the generality of the foregoing terms, it is hereby declared that the Lieutenant-Governor in Council may exempt the said Department from such of the provisions of the said Acts as he may deem inapplicable and may authorize the said Department by its officers or servants to do such acts and things as by any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons are required or authorized to be done by officers or servants of the Province of Ontario or by a justice or justices of the peace or other judicial authority;
- (b) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension in such institutions of persons the care, treatment or detention of which is the subject matter of such agreement;
- (c) prescribing the forms relating to such persons and to their admission to, maintenance in and release or discharge from such institutions and all other forms required for the carrying out of the provisions of this Act and such agreement;
- (d) respecting the transfer of any such member from any place without Ontario to any other place without Ontario and from any place within Ontario to any place without Ontario and from any place without Ontario to any place within Ontario during the passage of such member through Ontario;
- (e) generally, the control of all matters the subject matter of such agreement.

Detention  
under other  
authority  
not invalid.

**106.** The detention of any such member by the said Minister by virtue of and in accordance with the provisions of any authority conferred by any Act of this Legislature or agreement with the Government of the Province of Ontario

shall be deemed to be legal and valid notwithstanding anything in this Act.

**107.** The Public Trustee shall be *ex officio* committee of <sup>Public Trustee.</sup> the estate of every patient who has no other committee and who is detained in an institution under this Part. The provisions of sections 73 to 93 shall apply to the institutions under this Part and the patients therein.

## PART XI

### REPEALING AND AMENDING CERTAIN ACTS

**108.** The following Acts are repealed:

Acts  
repealed.

- (a) *The Hospitals for the Insane Act*, R.S.O. 1927, c. 353.
- (b) *The Ontario Hospital, Woodstock, Act*, R.S.O. 1927, c. 356.
- (c) *An Act to confer Certain Powers respecting Hospitals on the Lieutenant-Governor in Council*, 1920, c. 108.

**109.** The Acts mentioned in the Schedule to this Act are <sup>Acts</sup> hereby amended in the manner set forth in the third column <sup>amended.</sup> of the said Schedule.

**110.** This Act shall come into force on a day to be named <sup>Commence-</sup> by the Lieutenant-Governor by his Proclamation. <sup>ment of</sup>  
<sup>Act.</sup>

## SCHEDULE

ACT AMENDED	SECTION	MANNER IN WHICH AMENDED
The Corporations Tax Act, R.S.O. 1927, c. 29.	Section 24 (3), line 5.	By substituting for the words "provincial hospital for the insane" the words "institution within the meaning of <i>The Mental Hospitals Act, 1935</i> , other than the Ontario Hospital, Woodstock."
	Section 24 (4), line 3, line 6, lines 6 and 7.	By substituting for the words "Provincial Secretary," the words "Minister of Health."
The Municipal Act, R.S.O. 1927, c. 233.	Section 432, line 2.	By substituting for the word "insane" the words "mentally ill, mentally defective or epileptic."
	Section 432, lines 3 and 4.	By substituting for the words "a Provincial Hospital for the Insane" the words "an institution within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
The Psychiatric Hospitals Act, R.S.O. 1927, c. 354. (1931, c. 23, s. 27 (2).)	Section 1, Clause (b).	By striking out the clause and substituting therefor "(b) 'Inspector' shall mean an inspector appointed under <i>The Mental Hospitals Act, 1935</i> ."
	Section 9 (3), line 5.	By substituting for the words "sections 6 and 7 of <i>The Hospitals for the Insane Act</i> " the words "section 21 of <i>The Mental Hospitals Act, 1935</i> ."
	Section 9 (3), lines 3 and 6 and Section 9 (4), line 3.	By substituting for the word "insane" the words "mentally ill, mentally defective or an epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
	Section 13 (1), Clause (a), lines 1 and 2.	By substituting for the words "insane within the meaning of sections 7 and 8 of <i>The Hospitals for the Insane Act</i> " the words "mentally ill, mentally defective or epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
	Section 14 (2), lines 2 and 10.	By substituting for the word "insane" the words "mentally ill, mentally defective or epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ."
	Section 14 (2), line 9.	By substituting for the words "in the form numbered 1 in <i>The Hospitals for the Insane Act</i> " the words "according to the provisions of section 21 of <i>The Mental Hospitals Act, 1935</i> ."
	Section 1, clause (c).	By repealing the clause and substituting therefor "(c) 'Inspector' shall mean an inspector appointed under <i>The Mental Hospitals Act, 1935</i> ."
The Private Sanitarium Act, R.S.O. 1927, c. 355. (1931, c. 23, s. 28 (1).)		



ACT AMENDED	SECTION	MANNER IN WHICH AMENDED
The Private Sanitarium Act, R.S.O. 1927, c. 355— <i>Continued</i> .	Section 25 (2), line 4.	By inserting after the word "insane" the words "or to the superintendent of any institution under <i>The Mental Hospitals Act, 1935.</i> "
	Section 25 (2), line 6.	By inserting after the word "Hospital" the words "or such institution."
	Section 48, line 3.	By inserting after the word "insane" the words "or to an institution under <i>The Mental Hospitals Act, 1935.</i> "
Public Trustee Act, R.S.O. 1927, c. 151.	Section 15, as enacted by 1931, c. 23, s. 8.	By striking out the said section.
The Public Institutions Inspection Act, 1931, c. 80.	Section 2, clause (a).	By repealing the clause.
	Clause (b), lines 2, 3, 4.	By striking out the words "and in respect to mental hospitals shall mean the Minister of Health."
	Section 3, line 2.	By striking out the words "mental hospitals and."
	Section 4, line 2.	By striking out the words "of mental hospitals and."
	Section 5 (1), line 3.	By striking out the words "mental hospital or."
	lines 3, 4.	By striking out the words "as the case may be."
	Section 5 (2), line 3.	By striking out the words "or the Minister of Health."
	line 4.	By striking out the words "or the Minister of Health."
	lines 4, 5.	By striking out the words "as the case may be."
	line 6.	By striking out the words "hospital or other."
	Section 6, line 2.	By striking out the words "mental hospitals and."
	Clause (d), line 3.	By striking out the words "patients in mental hospitals and."
	Clause (f), line 2.	By striking out the words "mental hospitals and."
	Section 11 (2),	By repealing the subsection.
	Section 11 (3), line 2.	By substituting for the words "a mental hospital" the words "an institution under <i>The Mental Hospitals Act, 1935.</i> "



ACT AMENDED	SECTION	MANNER IN WHICH AMENDED
The Public Institutions Inspection Act, 1931, c. 80— <i>Continued.</i>	Section 11 (4), line 2.	By striking out the words "or mental hospital."
	line 3.	By substituting for the words "respective departments" the word "department."
	Section 12.	By repealing the section.







BILL

An Act respecting Mental Hospitals and  
Schools

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*1st Reading*

April 3rd, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. FAULKNER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Assessment Act.

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MR. HENRY

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No. 98

1935

# BILL

An Act to amend The Assessment Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,  
c. 238,  
amended.

1. *The Assessment Act* is amended by adding thereto the following section:

When  
townships  
deemed  
villages.

15a. For the purposes of sections 14 and 15 townships bordering on a city, having a population of not less than 200,000 shall be deemed to be villages and the provisions of the said sections shall apply thereto.



BILL

An Act to amend The Assessment Act.

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*1st Reading*

April 3rd, 1935

*2nd Reading*

*3rd Reading*

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MR. HENRY

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Negligence Act, 1930.

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MR. SCHWENGER

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No. 99

1935

# BILL

An Act to amend The Negligence Act, 1930.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Negligence Amendment Act, 1935*.

1930,  
c. 27, s. 3,  
amended.

2.—(1) Section 3 of *The Negligence Act, 1930*, as amended by section 2 of *The Negligence Act, 1931*, is amended by striking out the words “where two or more persons are found liable” in the fourth and fifth lines and inserting in lieu thereof the words “except as provided by subsection 2, where two or more persons are found at fault or negligent” so that the section shall now read as follows:

Extent of  
liability,—  
remedy  
over.

3.—(1) Where damages have been caused or contributed to by the fault or neglect of two or more persons the court shall determine the degree in which each of such persons is at fault or negligent, and except as provided by subsection 2 where two or more persons are found at fault or negligent, they shall be jointly and severally liable to the person suffering loss or damage for such fault or negligence, but as between themselves, in the absence of any contract express or implied, each shall be liable to make contribution and indemnify each other in the degree in which they are respectively found to be at fault or negligent.

1930,  
c. 27, s. 3,  
amended.

(2) Section 3 of *The Negligence Act, 1930*, is further amended by adding thereto the following subsections:

Where  
plaintiff is  
passenger.

(2) In any action brought for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from a motor vehicle other than a vehicle operated in the business of carrying passengers for compensation, and the owner or driver of the motor vehicle which the injured or deceased

#### EXPLANATORY NOTES

The amendments contained in subsections 1 and 2 of section 3 of *The Negligence Act* necessarily follow the provision contained in Bill No. 82 which abolishes the liability of drivers and owners of motor vehicles to gratuitous passengers.

The new subsection 3 of section 3 of *The Negligence Act* provides for the case where a wife who has suffered loss or damage has brought suit against a person and it is found by the court that the husband is partly responsible for the loss or damage suffered by a wife.

person was being carried in, or upon or entering, or getting on to, or alighting from is one of the persons found to be at fault or negligent, no damages, contribution or indemnity shall be recoverable for the portion of the loss or damage caused by the fault or negligence of such owner or driver, and the portion of the loss or damage so caused by the fault or negligence of such owner or driver shall be determined although such owner or driver is not a party to the action.

Where  
plaintiff is  
wife of  
negligent  
person.

- (3) In any action founded upon fault or negligence and brought for loss or damage resulting from bodily injury to, or the death of any married woman where one of the persons found to be at fault or negligent is the husband of such married woman, no damages, contribution or indemnity shall be recoverable for the portion of loss or damage caused by the fault or negligence of such husband, and the portion of the loss or damage so caused by the fault or negligence of such husband shall be determined although such husband is not a party to the action.

Commence-  
ment of  
Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Negligence Act,  
1930

---

*1st Reading*

April 5th, 1935

*2nd Reading*

*3rd Reading*

---

MR. SCHWENGER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Negligence Act, 1930.

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MR. SCHWENGER

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No. 99

1935

# BILL

An Act to amend The Negligence Act, 1930.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Negligence Amendment Act, 1935*.

1930,  
c. 27, s. 3,  
amended.      **2.**—(1) Section 3 of *The Negligence Act, 1930*, as amended by section 2 of *The Negligence Act, 1931*, is amended by striking out the words “where two or more persons are found liable” in the third and fourth lines and inserting in lieu thereof the words “except as provided by subsection 2, where two or more persons are found at fault or negligent” so that the said section shall now read as follows:

Extent of  
liability,—  
remedy  
over.

**3.**—(1) Where damages have been caused or contributed to by the fault or neglect of two or more persons the court shall determine the degree in which each of such persons is at fault or negligent, and except as provided by subsection 2 where two or more persons are found at fault or negligent, they shall be jointly and severally liable to the person suffering loss or damage for such fault or negligence, but as between themselves, in the absence of any contract express or implied, each shall be liable to make contribution and indemnify each other in the degree in which they are respectively found to be at fault or negligent.

1930,  
c. 27, s. 3,  
amended.

(2) The said section 3 is further amended by adding thereto the following subsections:

Where  
plaintiff is  
passenger.

(2) In any action brought for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from a motor vehicle other than a vehicle operated in the business of carrying passengers for compensation, and the owner or driver of the motor vehicle which the injured or deceased

person was being carried in, or upon or entering, or getting on to, or alighting from is one of the persons found to be at fault or negligent, no damages, contribution or indemnity shall be recoverable for the portion of the loss or damage caused by the fault or negligence of such owner or driver, and the portion of the loss or damage so caused by the fault or negligence of such owner or driver shall be determined although such owner or driver is not a party to the action.

- (3) In any action founded upon fault or negligence and brought for loss or damage resulting from bodily injury to, or the death of any married person where one of the persons found to be at fault or negligent is the spouse of such married person, no damages, contribution or indemnity shall be recoverable for the portion of loss or damage caused by the fault or negligence of such spouse, and the portion of the loss or damage so caused by the fault or negligence of such spouse shall be determined although such spouse is not a party to the action.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

where  
plaintiff is  
spouse of  
negligent  
person.

Commence-  
ment of  
Act.



BILL

An Act to amend The Negligence Act,  
1930

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*1st Reading*

April 5th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. SCHWENGER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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**BILL**

**An Act to amend The Game and Fisheries Act.**

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MR. WIGLE

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No. 100

1935

# BILL

An Act to amend the Game and Fisheries Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Game and Fisheries Amendment Act, 1935*.

Rev. Stat.,  
c. 318, s. 6,  
subs. 1,  
amended.

**2.** Subsection 1 of section 6 of *The Game and Fisheries Act* as amended by section 3 of *The Game and Fisheries Act, 1931*, is further amended by adding thereto the following clause:

- (y) authorizing the issue of licenses by the township of Pelee for the hunting of pheasants within such township during the period within which the hunting of pheasants is permitted in such township by this Act and any order-in-council passed thereunder and the charging of a fee therefor by the council of such township.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the 1st day of July, 1935.



BILL

An Act to amend The Game and Fisheries  
Act.

---

*1st Reading*

April 5th, 1935

*2nd Reading*

*3rd Reading*

---

MR. WIGLE

---



1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Game and Fisheries Act.

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MR. WIGLE

---

No. 100

1935

# BILL

An Act to amend the Game and Fisheries Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Game and Fisheries Amendment Act, 1935*.

Rev. Stat.,  
c. 318, s. 6,  
subs. 1,  
amended.      **2.** Subsection 1 of section 6 of *The Game and Fisheries Act* as amended by section 3 of *The Game and Fisheries Act, 1931*, is further amended by adding thereto the following clause:

- (y) authorizing the issue of licenses by the township of Pelee for the hunting of pheasants within such township during the period within which the hunting of pheasants is permitted in such township by this Act and any order-in-council passed thereunder and the charging of a fee therefor by the council of such township.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the 1st day of July, 1935.



BILL

An Act to amend The Game and Fisheries  
Act.

---

*1st Reading*

April 5th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 17th, 1935

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MR. WIGLE

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Mothers' Allowances Act.

---

MR. CROLL

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No. 101

1935

# BILL

## An Act to amend The Mothers' Allowances Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mothers' Allowances Amendment Act, 1935*.

Rev. Stat.,  
c. 280, s. 1,  
cl. a,  
(1933,  
c. 36, s. 2),  
amended.

2. Clause *a* of section 1 of *The Mothers' Allowances Act* as re-enacted by section 2 of *The Mothers' Allowances Act, 1933*, is amended by inserting after the word "branch" in the first line the words "or person," so that the said clause shall now read as follows:

"Commis-  
sion."

(a) "Commission" shall mean such department or branch or person in the public service of the Province, or commission or other body of persons as may be appointed or designated by the Lieutenant-Governor to administer this Act.

Rev. Stat.,  
c. 280, s. 2,  
subs. 1, cl. a,  
re-enacted.

3.—(1) Clause *a* of subsection 1 of section 2 of *The Mothers' Allowances Act* is repealed and the following substituted therefor:

Conditions  
under which  
allowances  
may be paid.

(a) is a widow, or the wife of a man who is permanently unemployable by reason of mental or physical disability, or of a man who has deserted her and has not been heard of for at least three years.

Rev. Stat.,  
c. 280, s. 2,  
subs. 1,  
cl. b,  
amended.

(2) Clause *b* of subsection 1 of the said section 2 as amended by section 2 of *The Mothers' Allowances Act, 1928*, is further amended by striking out the words "or total disability of the father of the children" in the second line and inserting in lieu thereof the words "permanent disability or desertion by the father of the child or children," so that the said clause shall now read as follows:

#### EXPLANATORY NOTES

SECTION 2. This amendment is to provide that if the Lieutenant-Governor wishes to designate one person to administer the Act, he may do so.

SECTION 3.—(1) This new clause is introduced for the following reasons:

- (1) To meet conditions under regulations of the Department of Health which permit certain patients from mental hospitals to be boarded outside the institution. The Act as it stands at present provides only for the families of "inmates" of hospitals;
- (2) To declare the degree of incapacitation which is intended;
- (3) To decrease the period of desertion from five to three years. It has been the custom to grant an allowance by Order-in-Council after three years desertion. The amendment will provide for an allowance after three years without the necessity for an Order-in-Council.

(2) The amendment made by this subsection is necessary in order to conform with the new clause (a) proposed by subsection 1 of section 3 of the Bill.

- (a) was resident in Ontario at the time of the death, permanent disability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance.

Rev. Stat.,  
c. 280, s. 2,  
subs. 1, cl.  
amended.

- (3) Clause *e* of subsection 1 of the said section 2 is amended by striking out the word "was" at the commencement thereof and inserting in lieu thereof the word "is," so that the said clause shall now read as follows:

- (e) is a British subject by birth or naturalization, or is the widow or wife of a British subject.

Rev. Stat.,  
c. 280, s. 2,  
subs. 1,  
cl. *g*,  
amended.

- (4) Clause *g* of subsection 1 of the said section 2 is amended by striking out the word "two" in the first line and inserting in lieu thereof the word "one," and by striking out the word "them" in the third line and inserting in lieu thereof the words "such child or children," so that the said clause shall now read as follows:

- (g) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act.

Rev. Stat.,  
c. 280, s. 2,  
subs. 2,  
cl. *a*,  
repealed.

- (5) Clause *a* of subsection 2 of the said section 2 as amended by subsection 1 of section 16 of *The Mothers' Allowances Act, 1929*, is repealed.

Rev. Stat.,  
c. 280, s. 2,  
subs. 2,  
cl. *b*,  
amended.

- (6) Clause *b* of subsection 2 of the said section 2 is amended by striking out the word "two" in the second line and inserting in lieu thereof the word "one," by inserting after the word "such" in the fourth line the words "child or" and by striking out the word "them" in the sixth line and inserting in lieu thereof the words "such child or children," so that the said clause shall now read as follows:

Allowance  
to foster  
mother.

- (b) is married or unmarried and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act.

Rev. Stat.,  
c. 280, s. 2,  
subs. 3,  
(1934,  
c. 54, s. 15),  
amended.

- (7) Subsection 3 of the said section 2 as re-enacted by section 15 of *The Statute Law Amendment Act, 1934*, is repealed and the following substituted therefor:

(3) The amendment made by this subsection will permit a widow who is otherwise eligible, to qualify for an allowance under the Act if she becomes naturalized. It has been the practice to grant such an allowance only by special Order-in-Council.

(4) This will authorize the granting of an allowance to a mother with only one child. The present Act provides that she must have two or more children under her care before she can qualify for an allowance.

(5) This repeals clause (a) of subsection 2 of section 2 of the Act which provides for an allowance to a woman who has resident with her a child over the age of sixteen or a husband who is incapacitated and one child under sixteen. This clause is no longer necessary in view of the amendment made by subsection 4 of section 2 of the Bill to clause (g) of subsection 1 of section 2 of the Act.

(6) This amendment is to provide for an allowance to a foster mother with only one child under sixteen years of age in her care.

(7) The words struck out are no longer necessary due to the provisions of clause (g) of subsection 1 of section 2 of the Act.



Allowance  
in special  
cases.

- (3) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of subsection 1 or subsection 2, the Commission may recommend to the Lieutenant-Governor in Council the granting of an allowance and the amount of the same, and the Lieutenant-Governor in Council may consider any such recommendation and direct the payment of an allowance accordingly, notwithstanding that such payment is not expressly provided for in this Act.

Rev. Stat.,  
c. 280, s. 9,  
cl. b,  
amended.

4.—(1) Clause *b* of section 9 of *The Mothers' Allowances Act* is amended by striking out the words "executive secretary and other" in the first and second lines, so that the said clause shall now read as follows:

- (*b*) prescribing the duties of the members of the staff of the Commission.

Rev. Stat.,  
c. 280, s. 9,  
cl. d,  
amended.

(2) Clause *d* of the said section 9 is amended by striking out the words "by local boards" in the second line so that the said clause shall now read as follows:

- (*d*) for the conducting of inquiries and investigations as to persons to whom allowances may be paid or who are in receipt of allowances under this Act or by whom or on whose behalf application has been made for payment of allowances.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



SECTION 4.—(1) The words "executive secretary" are no longer necessary as there is no such official.

(2) This amendment is to provide that investigations may be made by whomsoever the Commission may appoint.

BILL

An Act to amend 'The Mothers'  
Allowances Act

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*1st Reading*

April 5th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

An Act to amend The Mothers' Allowances Act.

---

Mr. CROLL

---

No. 101

1935

# BILL

## An Act to amend The Mothers' Allowances Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mothers' Allowances Amendment Act, 1935*.

Rev. Stat.,  
c. 280, s. 1,  
cl. a,  
(1933,  
c. 36, s. 2),  
amended.

2. Clause *a* of section 1 of *The Mothers' Allowances Act* as re-enacted by section 2 of *The Mothers' Allowances Act, 1933*, is amended by inserting after the word "branch" in the first line the words "or person," so that the said clause shall now read as follows:

"Commis-  
sion."

(a) "Commission" shall mean such department or branch or person in the public service of the Province, or commission or other body of persons as may be appointed or designated by the Lieutenant-Governor to administer this Act.

Rev. Stat.,  
c. 280, s. 2,  
subs. 1, cl. a,  
re-enacted.

3.—(1) Clause *a* of subsection 1 of section 2 of *The Mothers' Allowances Act* is repealed and the following substituted therefor:

Conditions  
under which  
allowances  
may be paid.

(a) is a widow, or the wife of a man who is permanently unemployable by reason of mental or physical disability, or of a man who has deserted her and has not been heard of for at least three years.

Rev. Stat.,  
c. 280, s. 2,  
subs. 1,  
cl. b,  
amended.

(2) Clause *b* of subsection 1 of the said section 2 as amended by section 2 of *The Mothers' Allowances Act, 1928*, is further amended by striking out the words "or total disability of the father of the children" in the second line and inserting in lieu thereof the words "permanent disability or desertion by the father of the child or children," so that the said clause shall now read as follows:

- (a) was resident in Ontario at the time of the death, permanent disability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance.

(3) Clause *e* of subsection 1 of the said section 2 is amended by striking out the word "was" at the commencement thereof and inserting in lieu thereof the word "is," so that the said clause shall now read as follows:

Rev. Stat.,  
c. 280, s. 2,  
subs. 1, cl. *e*,  
amended.

- (e) is a British subject by birth or naturalization, or is the widow or wife of a British subject.

(4) Clause *g* of subsection 1 of the said section 2 is amended by striking out the word "two" in the first line and inserting in lieu thereof the word "one," and by striking out the word "them" in the third line and inserting in lieu thereof the words "such child or children," so that the said clause shall now read as follows:

Rev. Stat.,  
c. 280, s. 2,  
subs. 1,  
cl. *g*,  
amended.

- (g) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act.

(5) Clause *a* of subsection 2 of the said section 2 as amended by subsection 1 of section 16 of *The Mothers' Allowances Act, 1929*, is repealed.

Rev. Stat.,  
c. 280, s. 2,  
subs. 2,  
cl. *a*,  
repealed.

(6) Clause *b* of subsection 2 of the said section 2 is amended by striking out the word "two" in the second line and inserting in lieu thereof the word "one," by inserting after the word "such" in the fourth line the words "child or" and by striking out the word "them" in the sixth line and inserting in lieu thereof the words "such child or children," so that the said clause shall now read as follows:

Rev. Stat.,  
c. 280, s. 2,  
subs. 2,  
cl. *b*,  
amended.

- (b) is married or unmarried and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance under this Act.

Allowance  
to foster  
mother.

(7) Subsection 3 of the said section 2 as re-enacted by section 15 of *The Statute Law Amendment Act, 1934*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 280, s. 2,  
subs. 3,  
(1934,  
c. 54, s. 15),  
amended.



Allowance  
in special  
cases.

- (3) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of subsection 1 or subsection 2, the Commission may recommend to the Lieutenant-Governor in Council the granting of an allowance and the amount of the same, and the Lieutenant-Governor in Council may consider any such recommendation and direct the payment of an allowance accordingly, notwithstanding that such payment is not expressly provided for in this Act.

Rev. Stat.,  
c. 280, s. 9,  
cl. b,  
amended.

4.—(1) Clause *b* of section 9 of *The Mothers' Allowances Act* is amended by striking out the words "executive secretary and other" in the first and second lines, so that the said clause shall now read as follows:

- (b) prescribing the duties of the members of the staff of the Commission.

Rev. Stat.,  
c. 280, s. 9,  
cl. d,  
amended.

(2) Clause *d* of the said section 9 is amended by striking out the words "by local boards" in the second line so that the said clause shall now read as follows:

- (d) for the conducting of inquiries and investigations as to persons to whom allowances may be paid or who are in receipt of allowances under this Act or by whom or on whose behalf application has been made for payment of allowances.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act to amend 'The Mothers'  
Allowances Act

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*1st Reading*

April 5th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Controverted Elections Act.

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MR. CROLL

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# BILL

An Act to amend The Controverted Elections Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Controverted Elections Amendment Act, 1935*.

Rev. Stat.,  
c. 11, s. 15,  
re-enacted.      **2.** Section 15 of *The Controverted Elections Act* is repealed and the following substituted therefor:

Verification.      **15.—(1)** With every petition shall be filed an affidavit by each of the petitioners, referring or annexed to the petition, stating that the deponent presents the petition in good faith, and with actual knowledge of the allegations therein contained, and has reason to believe and does believe the statements contained therein to be true in substance and in fact and all particulars afterwards furnished by either party shall be verified by the affidavit of the person furnishing such particulars.

Cross-  
examination.      **(2)** The respondent may cross-examine any petitioner upon any such affidavit made by such petitioner and may move for the dismissal of the petition, and if the court or a judge is satisfied that the petitioner is not acting in good faith or has not reason to believe or does not believe any statements contained in such affidavit or the petition or particulars verified by such affidavit, the petition shall be dismissed and all proceedings thereunder terminated on such terms as the court or a judge may direct.

Rev. Stat.,  
c. 11, s. 41,  
re-enacted.      **3.** Section 41 of *The Controverted Elections Act* is repealed and the following substituted therefor:

Application  
to change  
petitioner  
when delay  
in fixing  
day of trial.      **41.—(1)** Where forty-five days have elapsed after the presentation of the petition without the day for trial having been fixed, any voter may, within fifty-five

#### EXPLANATORY NOTES

2. The amendment permits a petitioner to be examined for the purpose of ascertaining whether he is acting in good faith and with proper knowledge of the allegations made in the petition and provides for an application to the court where the examination indicates a lack of good faith or insufficient knowledge of the allegations.

3. The section limits the time within which an application may be made to have the date of trial fixed and limits the time within which a voter may apply to be substituted for the petitioner.

days after the presentation of such petition, apply to the court or a judge to be substituted for the petitioner or petitioners on such terms as may be just, and to have the date of trial fixed.

Dismissal  
of petition.

- (2) Unless such application is made within such time such petition shall be dismissed, and all further proceedings thereunder shall be terminated upon such terms as the court or judge may direct.

Rev. Stat.,  
c. 11, s. 42,  
subs. 5,  
repealed.

4. Subsection 5 of section 42 of *The Controverted Elections Act* is repealed.

Rev. Stat.,  
c. 11, s. 70,  
subs. 4,  
amended.

5. Subsection 4 of section 70 of *The Controverted Elections Act* is amended by adding at the commencement thereof the words "Subject to the provisions of section 41" so that the said subsection shall now read as follows:

Substitution  
of new  
petitioner.

- (4) Subject to the provisions of section 41 on the hearing of the application, any person who might have been a petitioner, may apply to be substituted as the petitioner.

Commence-  
ment of  
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent, and shall have effect from the 1st day of January, 1934.

4. The power of a Divisional Court or a judge thereof to extend, in an unlimited manner, the time for fixing the date of trial is abolished.

5. Subsection 4 of section 70 is made subject to the provisions of section 41 so as to clarify the meaning of the subsection and avoid any possibility of inconsistent interpretations of the two sections.







BILL

An Act to amend The Controverted  
Elections Act

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*1st Reading*

April 5th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Controverted Elections Act.

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MR. CROLL

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# BILL

## An Act to amend The Controverted Elections Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      1. This Act may be cited as *The Controverted Elections Amendment Act, 1935*.

Rev. Stat.,  
c. 11, s. 15,  
re-enacted.      2. Section 15 of *The Controverted Elections Act* is repealed and the following substituted therefor:

Verification.      15.—(1) With every petition shall be filed an affidavit by each of the petitioners, referring or annexed to the petition, stating that the deponent presents the petition in good faith, and with actual knowledge of the allegations therein contained, and has reason to believe and does believe the statements contained therein to be true in substance and in fact and all particulars afterwards furnished by either party shall be verified by the affidavit of the person furnishing such particulars.

Cross-examination.      (2) The respondent may cross-examine any petitioner upon any such affidavit made by such petitioner and may move for the dismissal of the petition, and if the court or a judge is satisfied that the petitioner is not acting in good faith or has not reason to believe or does not believe any statements contained in such affidavit or the petition or particulars verified by such affidavit, the petition shall be dismissed and all proceedings thereunder terminated on such terms as the court or a judge may direct.

Rev. Stat.,  
c. 11, s. 41,  
re-enacted.      3. Section 41 of *The Controverted Elections Act* is repealed and the following substituted therefor:

Application  
to change  
petitioner  
when delay  
in fixing  
day of trial.      41.—(1) Where forty-five days have elapsed after the presentation of the petition without the day for trial having been fixed, any voter may, within fifty-five



days after the presentation of such petition, apply to the court or a judge to be substituted for the petitioner or petitioners on such terms as may be just, and to have the date of trial fixed.

- (2) Unless such application is made within such time such petition shall be dismissed, and all further proceedings thereunder shall be terminated upon such terms as the court or judge may direct. Dismissal of petition.

4. Subsection 3 of section 42 of *The Controverted Elections Act* is repealed. Rev. Stat., c. 11, s. 42, subs. 3, repealed.

5. Subsection 4 of section 70 of *The Controverted Elections Act* is amended by adding at the commencement thereof the words "Subject to the provisions of section 41" so that the said subsection shall now read as follows: Rev. Stat., c. 11, s. 70, subs. 4, amended.

- (4) Subject to the provisions of section 41 on the hearing of the application, any person who might have been a petitioner, may apply to be substituted as the petitioner. Substitution of new petitioner.

6. This Act shall come into force on the day upon which it receives the Royal Assent, and shall have effect from the 1st day of January, 1934. Commencement of Act.

BILL

An Act to amend The Controverted  
Elections Act

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*1st Reading*

April 5th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Co-operative Marketing Loan Act, 1932.

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MR. MARSHALL

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No. 103

1935

# BILL

## An Act to amend The Co-operative Marketing Loan Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1935*.

1932, c. 16,  
s. 4, cl. (b),  
re-enacted.

**2.** Clause *b* of section 4 of *The Co-operative Marketing Loan Act, 1932*, is repealed and the following substituted therefor:

(b) In the case of a co-operative cold storage association to an amount not exceeding fifty per centum of the approved value of the property on which the loan is to be made, but in no case to exceed the sum of \$50,000;

1932, c. 16,  
s. 5, subs. 1,  
repealed.

**3.** Subsection 1 of section 5 of *The Co-operative Marketing Loan Act, 1932*, is repealed.

1932, c. 16,  
s. 7,  
amended.

**4.** Subsection 1 of section 7 of *The Co-operative Marketing Loan Act, 1932*, is repealed and the following substituted therefor:

Loan to be  
secured by  
chattel  
mortgage.

(1) Each loan made on a chattel or chattels shall be secured by a chattel mortgage in favour of the Agricultural Development Board and made in accordance with *The Bills of Sale and Chattel Mortgage Act*.

Rev. Stat.,  
c. 164.

Loan on real  
estate to be  
secured by  
first  
mortgage.

(1a) Each loan made on real estate acquired by the Association shall be secured by a first mortgage on the said real estate made in favour of the Agricultural Development Board and made in accordance with *The Short Forms of Mortgages Act*.

Rev. Stat.,  
c. 145.

Commence-  
ment of  
Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

SECTION 2 OF THE BILL. The clause provides that loans to Co-operative Cold Storage Associations shall not exceed fifty per centum of the approved value of the property on which a loan is made and raises the maximum amount of loans to such associations from \$30,000 to \$50,000.

SECTION 3 OF THE BILL. The Bill repeals the provisions relating to the amount of loans in relation to the value of the property which may be made to Co-operative Associations. The provision is, in part, replaced by the amendment effected by section 2 of the Bill.

SECTION 4 OF THE BILL. The amendment permits loans to be made on either real property or chattels.



BILL

An Act to amend The Co-operative  
Marketing Loan Act, 1932

---

*1st Reading*

April 5th, 1935

*2nd Reading*

*3rd Reading*

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MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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An Act to amend The Co-operative Marketing Loan Act, 1932.

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No. 103

1935

# BILL

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**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1935*.

1932, c. 16,  
s. 4, cl. (b),  
re-enacted.

**2.** Clause *b* of section 4 of *The Co-operative Marketing Loan Act, 1932*, is repealed and the following substituted therefor:

Limitation  
as to loan.

(b) In the case of a co-operative cold storage association to an amount not exceeding fifty per centum of the approved value of the property on which the loan is to be made, but in no case to exceed the sum of \$50,000;

1932, c. 16,  
s. 5, subs. 1,  
repealed.

**3.** Subsection 1 of section 5 of *The Co-operative Marketing Loan Act, 1932*, is repealed.

1932, c. 16,  
s. 7,  
amended.

**4.** Subsection 1 of section 7 of *The Co-operative Marketing Loan Act, 1932*, is repealed and the following substituted therefor:

Loan to be  
secured by  
chattel  
mortgage.

(1) Each loan made on a chattel or chattels shall be secured by a chattel mortgage in favour of the Agricultural Development Board and made in accordance with *The Bills of Sale and Chattel Mortgage Act*.

Rev. Stat.,  
c. 164.

Loan on real  
estate to be  
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first  
mortgage.

(1a) Each loan made on real estate acquired by the Association shall be secured by a first mortgage on the said real estate made in favour of the Agricultural Development Board and made in accordance with *The Short Forms of Mortgages Act*.

Rev. Stat.,  
c. 145.

Commence-  
ment of  
Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Co-operative  
Marketing Loan Act, 1932

---

*1st Reading*

April 5th, 1935

*2nd Reading*

April 10th, 1935

*3rd Reading*

April 12th, 1935

---

MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Game and Fisheries Act.

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MR. NIXON

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TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

# BILL

## An Act to amend The Game and Fisheries Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Game and Fisheries Amendment Act, 1935*.

Rev. Stat.,  
c. 318, s. 6,  
subs. 1,  
amended.      **2.** Subsection 1 of section 6 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

Use of  
dogs.      (x) governing the use of dogs while hunting deer or moose on any island or peninsula or in any other area which is of a similar topographical nature.

Rev. Stat.,  
c. 318, s. 7,  
cls. f, ff  
(1928,  
c. 52, s. 2,  
subs. 2),  
re-enacted.      **3.** Clause f and ff of section 7 of *The Game and Fisheries Act* as enacted by subsection 2 of section 2 of *The Game and Fisheries Act, 1928*, are repealed and the following substituted therefor:

Open  
seasons,—  
goose,  
duck,  
eider duck.      (f) any wild goose or wild duck in that part of Ontario lying north and west of the French and Mattawa Rivers except from the 15th day of September to the 30th day of November in any one year, both days inclusive, other than wood and eider duck, which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

Idem.      (ff) any wild goose or wild duck in that part of Ontario lying south of the French and Mattawa Rivers, except from the 1st day of October to the 30th day of November in any one year, both days inclusive, other than wood and eider duck, which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 318, s. 9,  
subs. 1,  
re-enacted.      **4.** Subsection 1 of section 9 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

#### EXPLANATORY NOTES

Section 2. This section authorizes the passing of regulations governing the use of dogs in connection with the hunting of deer on an island or peninsula or other area of a similar nature.

Section 3. Clause *f* as re-enacted, changes the open season for the taking of wild ducks and geese in Northern Ontario. Under the present clause the open season is from the 1st of September to the 15th of December. Under the re-enacted clause the open season will extend from the 15th of September to the 30th of November. The provision regarding the waters of Georgian Bay included in the present clause *f* is not contained in the new clause.

The new clause *ff* changes the open season for the taking of wild ducks and geese in Southern Ontario. Under the present clause the open season is from the 15th of September to the 15th of December. Under the new clause the open season extends from the 1st of October to the 30th of November. The waters of Georgian Bay are included in the area covered by this clause.

Section 4. In view of the evident necessity for the establishment of an entire close season on beaver and otter, subsection 1 of section 9 as re-enacted and the new subsection *1a* make it unlawful for any person to hunt, take or kill beaver or otter or be in possession of the carcass or skin of such animals.

Beaver.

- (1) It shall be unlawful for any person to hunt, take or kill any beaver, or have in his possession the carcass, skin or any part of any beaver.

Otter.

- (1a) It shall be unlawful for any person to hunt, take or kill any otter or have in his possession the carcass, skin or any part of any otter, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 318, s. 10,  
subs. 2,  
re-enacted.

5. Subsection 2 of section 10 of *The Game and Fisheries Act* as amended by section 5 of *The Game and Fisheries Act, 1932*, and subsection 1 of section 5 of *The Game and Fisheries Act, 1933*, is repealed and the following substituted therefor:

License to  
hunt, trap,  
etc.

- (2) No resident British subject shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver and otter during the various open seasons, nor shall this apply to the taking of wolf, or the shooting of fox during the open season; provided however, that the possession of a license or permit authorized by this subsection shall be sufficient authority to enable a licensee to sell, pursuant to the provisions of this Act, fur-bearing animals or skins or pelts thereof, hunted, taken, trapped, shot or killed by such licensee under the authority of such license or permit.

Exception  
as to  
farmers.

Authority  
to sell.

Rev. Stat.,  
c. 318, s. 13,  
amended.

6. Section 13 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Dogs.

- (2) It shall be unlawful for any person to use or to be accompanied by any dog while hunting deer, moose or caribou, unless such dog be licensed under the provisions of this Act.

Rev. Stat.,  
c. 318, s. 20,  
cl. a  
(1934,  
c. 19, s. 5),  
amended.

7.—(1) Clause *a* of section 20 of *The Game and Fisheries Act* as re-enacted by section 5 of *The Game and Fisheries Act, 1934*, is amended by inserting after the word "shoot" in the second line the word "bear," so that the first four lines of the said clause shall now read as follows:

Hunting  
licenses.

- (a) to non-residents, and the fees and licenses shall be—

\$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same.

Section 5. Subsection 2 of section 10 as re-enacted authorizes the shooting of foxes by persons in possession of gun licenses, without the additional necessity of being in possession of a trapping license.

Persons using dogs in connection with the hunting of foxes still require the permit provided for by section 10, subsection 2a, of the Act.

Section 6. Provides that dogs which are used in connection with the hunting of deer, etc., must be licensed for that purpose.

Section 7.—(1) Provides that bear may be hunted by non-residents under the authority of the license which now authorizes only the shooting of game birds and rabbits, the fee for which is \$15.



Rev. Stat.,  
c. 318, s. 20,  
cl. c,  
amended.

(2) Clause c of the said section 20 is amended by striking out the word "six" where it occurs in the second and third lines respectively, and inserting in lieu thereof the word "four," so that the said clause shall now read as follows:

Organized  
hunting  
camps.

(c) to organized hunting camps of residents of Ontario of not less than four in number, and one license for every four holders of resident deer licenses in organized hunting parties, and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same.

Rev. Stat.,  
c. 318, s. 20,  
amended.

(3) The said section 20 is amended by adding thereto the following clause:

Dog  
license.

(g) for a dog used by or accompanying any person or persons while hunting deer, moose or caribou, and the fee for such license shall be \$1.85, together with a fee of fifteen cents for the issuing of the same.

Rev. Stat.,  
c. 318, s. 25,  
amended.

8. Section 25 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1928*, section 9 of *The Game and Fisheries Act, 1930*, and section 9 of *The Game and Fisheries Act, 1932*, is amended by striking out the item "Fox (red)..... .75" in the first paragraph and inserting in lieu thereof the item "Fox (red) ..... .50"; and by inserting after the word "fox" in the second line of the second paragraph the words "and mink," so that the second paragraph of the said section shall now read as follows:

Royalties.

"Such royalties apply to any pelts that may become damaged or destroyed by any means, but shall not apply to silver, black and blue fox and mink bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department."

Rev. Stat.,  
c. 318, s. 29,  
amended.

9. Section 29 of *The Game and Fisheries Act* is amended by adding thereto the following subsections:

(2) It shall be unlawful for any person at any time to hunt, kill, take or molest any female deer of any age, or any male deer under the age of one year, except as provided under subsections 3 and 4 of section 30.

(3) Provides for a license fee of \$1 for a dog which is to be used by or accompanies any person while hunting deer, etc.

Section 8. Reduces royalty on red fox from seventy-five cents to fifty cents and exempts ranch-raised mink from the payment of royalty.

Section 9. Prohibits the killing of does and fawns except as provided by subsection 3 of section 10 of this Bill, and prohibits the killing or molesting of deer while such deer are in the waters of any lake or river.

Deer,  
prohibition  
against  
killing.

- (3) It shall be unlawful for any person to kill or molest any deer while such deer is swimming in the waters of any lake or river.

Rev. Stat.,  
c. 318, s. 30,  
subs. 1,  
amended.

**10.**—(1) Subsection 1 of section 30 of *The Game and Fisheries Act* is amended by striking out the word "deer" in the second line and inserting in lieu thereof the words "male deer over one year of age," so that the said subsection shall now read as follows:

Number of  
deer, etc.,  
which may  
be taken by  
residents.

- (1) It shall be unlawful for a resident during any one year or season to kill or take more than one male deer over one year of age under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 26 of this Act.

Rev. Stat.,  
c. 318, s. 30,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 30 is amended by striking out the word "deer" in the second line and inserting in lieu thereof the words "male deer over one year of age" and by inserting after the word "caribou" in the third line the words "over one year of age," so that the said subsection shall now read as follows:

Number of  
deer, etc.,  
which may  
be taken  
by non-  
residents.

- (2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one male deer over one year of age and one bull moose or caribou over one year of age under the authority of a non-resident hunting license.

Rev. Stat.,  
c. 318, s. 30,  
subs. 3,  
re-enacted.

(3) Subsection 3 of the said section 30 is repealed and the following substituted therefor:

Aggregate  
kill.

- (3) Notwithstanding the provisions of subsections 1 and 2 of this section, two or more persons hunting together and holding licenses may kill an aggregate of not more than one male deer over the age of one year for each member of the party, provided, however that for every four deer which may lawfully be killed, one female deer or male deer under the age of one year may be killed in lieu of one male deer over the age of one year; but in no case shall persons hunting together kill more than two female deer or male deer under the age of one year.

Deer taken  
under camp  
license.

- (4) The provisions of subsection 3 shall not apply to deer taken by residents under the authority of a

Section 10.—(1), (2) These subsections amend subsections 1 and 2 of section 30 of the Act which govern the number of deer, etc., which may be taken by residents and non-residents in any one year or season, by providing that any deer so taken must be a male deer over the age of one year, and that bull moose or caribou taken under the authority of a non-resident license must be over the age of one year.

(3) Subsection 3 of section 30 of the Act as re-enacted, provides that notwithstanding the provisions of subsections 1 and 2 of section 30, four hunters may take one female deer or one male deer under the age of one year, but no party of hunters may take more than two female deer or two male deer under the age of one year, and subsection 4 added to section 30 of the Act, provides that deer that are killed for consumption in camp, under licenses issued to organized camps of resident hunters, may include any deer, but the total number of female deer or male deer under the age of one year so taken shall not exceed two.



camp license which entitles organized resident hunting parties to kill one deer, male or female of any age, to be eaten in camp; provided however that the aggregate number of female deer or male deer under the age of one year taken under any number of camp licenses issued to any one organized hunting camp of residents shall not exceed two, and further provided that the holding of a camp license or licenses shall not entitle the persons to whom they are issued to kill any female deer or male deer under the age of one year in addition to such female deer or male deer under the age of one year which such persons are entitled to kill under the provisions of subsection 3.

Rev. Stat.,  
c. 318, s. 31  
(1932,  
c. 41, s. 10),  
re-enacted.

**11.** Section 31 of *The Game and Fisheries Act* as re-enacted by section 10 of *The Game and Fisheries Act, 1932*, and amended by section 11 of *The Game and Fisheries Act, 1933*, is repealed and the following substituted therefor:

Police dog,—  
use of  
prohibited.

31.—(1) It shall be unlawful for any person to use or to be accompanied by a dog commonly known as a police dog or any cross breed thereof, while hunting deer, moose or caribou.

Number of  
dogs which  
may be used.

(2) It shall be unlawful while hunting deer, moose or caribou,—

(a) for a person or any number of persons less than four to use or be accompanied by a dog;

(b) for a party of four persons to use or to be accompanied by more than one dog;

(c) for a party of more than four persons and less than nine persons to use or to be accompanied by more than two dogs;

(d) for a party of nine or more persons to use or be accompanied by more than three dogs.

Dog not  
to run at  
large  
during  
close  
season.

(3) It shall be unlawful for the owner of any dog to permit such dog to run at large during the period of the close season for deer in a locality where deer, moose or caribou usually inhabit or in which they are usually found.

Who to be  
deemed  
owner  
of dog.

(4) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou during the period of the close season for deer shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and such person shall not be liable to any penalty or damage therefor.



Section 11. This re-enacts section 31 of the Act. Subsection 1 provides that no police dog shall be used in hunting deer; subsection 2 specifies the number of dogs which may be used by hunting parties; subsection 3 prohibits the owner of a dog to allow it to run at large during the close season for deer in a locality where deer, moose or caribou are usually found, subsection 4 provides who shall be deemed the owner of a dog found running at large during the close season for deer; section 5 makes provision for lost dogs, and subsection 6 prohibits the use of dogs in the taking of mink, beaver or otter.

Lost dogs.

- (5) Any person who loses a dog used in the hunting of deer or moose and is unable to find such animal at the termination of the hunt, shall report such loss to the Department in writing at once, giving a description of the dog and the locality in which it was lost.

Dogs not to be used in taking mink, beaver or otter.

- (6) It shall be unlawful for the owner of any dog to use or permit to be used in any manner whatsoever such dog for the taking or killing of any mink, beaver or otter.

Rev. Stat., c. 318, s. 34, subs. 4, amended.

**12.** Subsection 4 of section 34 of *The Game and Fisheries Act* as amended by subsection 2 of section 10 of *The Game and Fisheries Act, 1930*, is further amended by adding at the end thereof the words "provided however nothing herein contained shall prohibit any person from taking or killing merganser, commonly known as 'saw-bill' during the open season," so that the said subsection shall now read as follows:

Limit on number of ducks to be taken.

- (4) No person shall take or kill more than fifteen wild ducks in any one day, and not more than one hundred and fifty wild ducks in any one year, provided however nothing herein contained shall prohibit any person from taking or killing merganser, commonly known as "saw-bill" during the open season.

Rev. Stat., c. 318, s. 49, amended.

**13.** Section 49 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Duty of express company, etc., as to transportation of moose head and antlers.

- (1a) It shall be unlawful for any railway or express company or other common carrier, or any other person or persons, to transport or cause to be transported the head or antlers, or both, of any moose, unless at the time when the head or antlers, or both, are received by such railway or express company or other common carrier, or other person or persons, there are produced to such railway or express company, or other common carrier, or other person or persons, at least the two hind quarters of the carcass from which the head or antlers, or both, were removed.

Commencement of Act.

**14.** This Act shall come into force on the 1st day of June, 1935.

Section 12. Provides that where mergansers (or saw-bills) are taken, it will not be necessary to include such birds in the limit of catch.

Section 13. Makes it necessary for licensed hunters who present for shipment the head or antlers of any moose to produce at the point of shipment the two hind quarters of the carcass of the animal from which such head or antlers were removed.







BILL

An Act to amend The Game and Fisheries Act.

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*1st Reading*

April 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. NIXON

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Game and Fisheries Act.

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MR. NIXON (Brant)

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# BILL


## An Act to amend The Game and Fisheries Act.


**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Game and Fisheries Amendment Act, 1935*.

Rev. Stat.,  
c. 318, s. 6,  
subs. 1,  
amended.      **2.** Subsection 1 of section 6 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

Use of  
dogs.      (x) governing the use of dogs while hunting deer or moose on any island or peninsula or in any other area which is of a similar topographical nature.

Rev. Stat.,  
c. 318, s. 7,  
amended.       **3.**—(1) Clauses *b* and *c* of section 7 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 2 of *The Game and Fisheries Act, 1928*, and amended by subsection 1 of section 2 of *The Game and Fisheries Act, 1929*, and clauses *f* and *ff* of the said section 7 as enacted by subsection 2 of section 2 of *The Game and Fisheries Act, 1928*, are repealed and the following substituted therefor:

Open  
seasons,—      (b) Any deer or moose in that part of Ontario lying north of the Mattawa River, Lake Nipissing and the French River and south of the main line of the Canadian National Railway (formerly Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary line except from the 25th day of October to the 25th day of November, both days inclusive; provided however that on St. Joseph's Island in the District of Algoma, the open season shall be from the 10th day of November to the 25th day of November, both days inclusive; 

goose,  
duck,  
elder duck.      (f) any wild goose or wild duck in that part of Ontario lying north and west of the French and Mattawa Rivers except from the 15th day of September to the 30th day of November in any one year, both days

#### EXPLANATORY NOTES

Section 2. This section authorizes the passing of regulations governing the use of dogs in connection with the hunting of deer on an island or peninsula or other area of a similar nature.

Section 3.—(1) The present clauses *b* and *c* of section 7 are combined to provide for one area for the purpose of fixing a new open season for deer and moose.

Clause *f* as re-enacted, changes the open season for the taking of wild ducks and geese in Northern Ontario. Under the present clause the open season is from the 1st of September to the 15th of December. Under the re-enacted clause the open season will extend from the 15th of September to the 30th of November. The provision regarding the waters of Georgian Bay included in the present clause *f* is not contained in the new clause.

inclusive, other than wood and eider duck, which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

Idem.

- (ff) any wild goose or wild duck in that part of Ontario lying south of the French and Mattawa Rivers, except from the 1st day of October to the 30th day of November in any one year, both days inclusive, other than wood and eider duck, which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 318, s. 7,  
cl. cc,  
(1929, c. 82,  
s. 2, subs. 2),  
re-lettered.



- (2) Clause cc of the said section 7 as enacted by subsection 2 of section 2 of *The Game and Fisheries Act, 1929*, is relettered as clause c.

Rev. Stat.,  
c. 318, s. 9,  
subs. 1,  
re-enacted.



4. Subsection 1 of section 9 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Beaver.

- (1) It shall be unlawful for any person to hunt, take or kill any beaver, or, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, have in his possession the carcass, skin or any part of any beaver.



Otter.

- (1a) It shall be unlawful for any person to hunt, take or kill any otter or have in his possession the carcass, skin or any part of any otter, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 318, s. 10,  
subs. 2,  
re-enacted.

5. Subsection 2 of section 10 of *The Game and Fisheries Act* as amended by section 5 of *The Game and Fisheries Act, 1932*, and subsection 1 of section 5 of *The Game and Fisheries Act, 1933*, is repealed and the following substituted therefor:

License to  
hunt, trap,  
etc.

- (2) No resident British subject shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver and otter during the various open seasons, nor shall this apply to the taking of wolf, or the shooting of fox during the open season; provided however, that the possession of a license or permit authorized by this subsection shall be sufficient authority to enable a licensee to sell, pursuant to the provisions of this

Exception  
as to  
farmers.

Authority  
to sell.



The new Clause ff changes the open season for the taking of wild ducks and geese in Southern Ontario. Under the present clause the open season is from the 15th of September to the 15th of December. Under the new clause the open season extends from the 1st of October to the 30th of November. The waters of Georgian Bay are included in the area covered by this clause.

Section 4. In view of the evident necessity for the establishment of an entire close season on beaver, subsection 1 makes it unlawful for any person to hunt, take or kill beaver or, except under terms and conditions to be prescribed by order-in-council, be in possession of any carcass or skin thereof.

Subsection (1a) provides a close season for otter, except under terms and conditions to be prescribed by order-in-council.

Section 5. Subsection 2 of section 10 as re-enacted authorizes the shooting of foxes by persons in possession of gun licenses, without the additional necessity of being in possession of a trapping license.

Persons using dogs in connection with the hunting of foxes still require the permit provided for by section 10, subsection 2a, of the Act.

Act, fur-bearing animals or skins or pelts thereof, hunted, taken, trapped, shot or killed by such licensee under the authority of such license or permit.

Rev. Stat.,  
c. 318, s. 13,  
amended.

**6.** Section 13 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Dogs.

- (2) It shall be unlawful for any person to use or to be accompanied by any dog while hunting deer, moose or caribou, unless such dog be licensed under the provisions of this Act.

Rev. Stat.,  
c. 318, s. 20,  
cl. a  
(1934,  
c. 19, s. 5),  
amended.

**7.**—(1) Clause *a* of section 20 of *The Game and Fisheries Act* as re-enacted by section 5 of *The Game and Fisheries Act, 1934*, is amended by inserting after the word "shoot" in the second line the word "bear," so that the first four lines of the said clause shall now read as follows:

Hunting  
licenses.

- (a) to non-residents, and the fees and licenses shall be—

\$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same.

Rev. Stat.,  
c. 318, s. 20,  
cl. c,  
amended.

- (2) Clause *c* of the said section 20 is amended by striking out the word "six" where it occurs in the second and third lines respectively, and inserting in lieu thereof the word "four," so that the said clause shall now read as follows:

Organized  
hunting  
camps.

- (c) to organized hunting camps of residents of Ontario of not less than four in number, and one license for every four holders of resident deer licenses in organized hunting parties, and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same.

Rev. Stat.,  
c. 318, s. 20,  
amended.

- (3) The said section 20 is amended by adding thereto the following clause:

Dog  
license.

- (g) for a dog used by or accompanying any person or persons while hunting deer, moose or caribou, and the fee for such license shall be \$1.85, together with a fee of fifteen cents for the issuing of the same.

Rev. Stat.,  
c. 318, s. 25,  
amended.

**8.** Section 25 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1928*, section 9 of *The Game and Fisheries Act, 1930*, and section 9 of *The Game and Fisheries Act, 1932*, is amended by striking out the item "Fox (red).....75" in the first paragraph and inserting

Section 6. Provides that dogs which are used in connection with the hunting of deer, etc., must be licensed for that purpose.

Section 7.—(1) Provides that bear may be hunted by non-residents under the authority of the license which now authorizes only the shooting of game birds and rabbits, the fee for which is \$15.

(3) Provides for a license fee of \$2 for a dog which is to be used by or accompanies any person while hunting deer, etc.

Section 8. Reduces royalty on red fox from seventy-five cents to fifty cents and exempts ranch-raised mink from the payment of royalty.

**Royalties.** in lieu thereof the item "Fox (red) ..... .50"; and by inserting after the word "fox" in the second line of the second paragraph the words "and mink," so that the second paragraph of the said section shall now read as follows:

"Such royalties apply to any pelts that may become damaged or destroyed by any means, but shall not apply to silver, black and blue fox and mink bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department."

Rev. Stat.,  
c. 318, s. 29,  
amended.

**9.** Section 29 of *The Game and Fisheries Act* is amended by adding thereto the following subsections:

(2) It shall be unlawful for any person at any time to hunt, kill, take or molest any female deer of any age, or any male deer under the age of one year, except as provided under subsections 3 and 4 of section 30.

Deer,  
prohibition  
against  
killing.

(3) It shall be unlawful for any person to kill or molest any deer while such deer is swimming in the waters of any lake or river.

Rev. Stat.,  
c. 318, s. 30,  
subs. 1,  
amended.

**10.—(1)** Subsection 1 of section 30 of *The Game and Fisheries Act* is amended by striking out the word "deer" in the second line and inserting in lieu thereof the words "male deer over one year of age," so that the said subsection shall now read as follows:

Number of  
deer, etc.,  
which may  
be taken by  
residents.

(1) It shall be unlawful for a resident during any one year or season to kill or take more than one male deer over one year of age under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 26 of this Act.

Rev. Stat.,  
c. 318, s. 30,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 30 is amended by striking out the word "deer" in the second line and inserting in lieu thereof the words "male deer over one year of age" and by inserting after the word "caribou" in the third line the words "over one year of age," so that the said subsection shall now read as follows:

Section 9. Prohibits the killing of does and fawns except as provided by subsection 3 of section 10 of this Bill, and prohibits the killing or molesting of deer while such deer are in the waters of any lake or river.

Section 10.—(1), (2) These subsections amend subsections 1 and 2 of section 30 of the Act which govern the number of deer, etc., which may be taken by residents and non-residents in any one year or season, by providing that any deer so taken must be a male deer over the age of one year, and that bull moose or caribou taken under the authority of a non-resident license must be over the age of one year.



Number of  
deer, etc.,  
which may  
be taken  
by non-  
residents.

- (2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one male deer over one year of age and one bull moose or caribou over one year of age under the authority of a non-resident hunting license.

Rev. Stat.,  
c. 318, s. 30,  
subs. 3,  
re-enacted.

- (3) Subsection 3 of the said section 30 is repealed and the following substituted therefor:

Aggregate  
kill.

- (3) Notwithstanding the provisions of subsections 1 and 2 of this section, two or more persons hunting together and holding licenses may kill an aggregate of not more than one male deer over the age of one year for each member of the party, provided, however that for every four deer which may lawfully be killed, one female deer or male deer under the age of one year may be killed in lieu of one male deer over the age of one year; but in no case shall persons hunting together kill more than two female deer or male deer under the age of one year.

Deer taken  
under camp  
license.

- (4) The provisions of subsection 3 shall not apply to deer taken by residents under the authority of a camp license which entitles organized resident hunting parties to kill one deer, male or female of any age, to be eaten in camp; provided however that the aggregate number of female deer or male deer under the age of one year taken under any number of camp licenses issued to any one organized hunting camp of residents shall not exceed two, and further provided that the holding of a camp license or licenses shall not entitle the persons to whom they are issued to kill any female deer or male deer under the age of one year in addition to such female deer or male deer under the age of one year which such persons are entitled to kill under the provisions of subsection 3.

Rev. Stat.,  
c. 318, s. 31  
(1932,  
c. 41, s. 10),  
re-enacted.

11. Section 31 of *The Game and Fisheries Act* as re-enacted by section 10 of *The Game and Fisheries Act, 1932*, and amended by section 11 of *The Game and Fisheries Act, 1933*, is repealed and the following substituted therefor:

Police dog,—  
use of  
prohibited.

- 31.—(1) It shall be unlawful for any person to use or to be accompanied by a dog commonly known as a police dog or any cross breed thereof, while hunting deer, moose or caribou.

Number of  
dogs which  
may be used.

- (2) It shall be unlawful while hunting deer, moose or caribou,—

(3) Subsection 3 of section 30 of the Act as re-enacted, provides that notwithstanding the provisions of subsections 1 and 2 of section 30, four hunters may take one female deer or one male deer under the age of one year, but no party of hunters may take more than two female deer or two male deer under the age of one year, and subsection 4 added to section 30 of the Act, provides that deer that are killed for consumption in camp, under licenses issued to organized camps of resident hunters, may include any deer, but the total number of female deer or male deer under the age of one year so taken shall not exceed two.

Section 11. This re-enacts section 31 of the Act. Subsection 1 provides that no police dog shall be used in hunting deer; subsection 2 specifies the number of dogs which may be used by hunting parties; subsection 3 prohibits the owner of a dog to allow it to run at large during the close season for deer in a locality where deer, moose or caribou are usually found, subsection 4 provides who shall be deemed the owner of a dog found running at large during the close season for deer; subsection 5 makes provision for lost dogs, and subsection 6 prohibits the use of dogs in the taking of mink, beaver or otter.

- (a) for a person or any number of persons less than four to use or be accompanied by a dog;
- (b) for a party of four persons to use or to be accompanied by more than one dog;
- (c) for a party of more than four persons and less than nine persons to use or to be accompanied by more than two dogs;
- (d) for a party of nine or more persons to use or be accompanied by more than three dogs.

Dog not to run at large during close season.

- (3) It shall be unlawful for the owner of any dog to permit such dog to run at large during the period of the close season for deer in a locality which deer, moose or caribou usually inhabit or in which they are usually found.

Who to be deemed owner of dog.

- (4) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou during the period of the close season for deer shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and such person shall not be liable to any penalty or damage therefor.

Lost dogs.

- (5) Any person who loses a dog used in the hunting of deer or moose and is unable to find such animal at the termination of the hunt, shall report such loss to the Department in writing at once, giving a description of the dog and the locality in which it was lost.

Dogs not to be used in taking mink, beaver or otter.

- (6) It shall be unlawful for the owner of any dog to use or permit to be used in any manner whatsoever such dog for the taking or killing of any mink, beaver or otter.



Rev. Stat., c. 318, s. 34, subs. 4, re-enacted.

**12.** Subsection 4 of section 34 of *The Game and Fisheries Act* as amended by subsection 2 of section 10 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor:

Limit on number of ducks to be taken.

- (4) No person shall take or kill more than fifteen wild ducks, other than merganser, in any one day, and not more than one hundred and fifty wild ducks, other than merganser, in any one year, provided however nothing herein contained shall prohibit any person from taking or killing any number of merganser, commonly known as "saw-bill," during the open season.



Section 12. Provides that where mergansers (or saw-bills) are taken, it will not be necessary to include such birds in the limit of catch.

Rev. Stat.,  
c. 318, s. 49,  
amended.

**13.** Section 49 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Duty of  
express  
company,  
etc., as to  
transportation of  
moose head  
and antlers.

(1a) It shall be unlawful for any railway or express company or other common carrier, or any other person or persons, to transport or cause to be transported the head or antlers, or both, of any moose, unless at the time when the head or antlers, or both, are received by such railway or express company or other common carrier, or other person or persons, there are produced to such railway or express company, or other common carrier, or other person or persons, at least the two hind quarters of the carcass from which the head or antlers, or both, were removed.

Commence-  
ment of  
Act.

**14.** This Act shall come into force on the 1st day of June, 1935.



Section 13. Makes it necessary for licensed hunters who present for shipment the head or antlers of any moose to produce at the point of shipment the two hind quarters of the carcass of the animal from which such head or antlers were removed.

BILL

An Act to amend The Game and  
Fisheries Act.

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*1st Reading*

April 8th, 1935

*2nd Reading*

April 11th, 1935

*3rd Reading*

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MR. NIXON (Brant)

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*(Reprinted with suggested amendments  
for Consideration by Committee of the  
Whole House)*

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Game and Fisheries Act.

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MR. NIXON (Brant)

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# BILL

## An Act to amend The Game and Fisheries Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Game and Fisheries Amendment Act, 1935*.

Rev. Stat.,  
c. 318, s. 6,  
subs. 1,  
amended.      **2.** Subsection 1 of section 6 of *The Game and Fisheries Act* is amended by adding thereto the following clause:

Use of  
dogs.      (x) governing the use of dogs while hunting deer or moose on any island or peninsula or in any other area which is of a similar topographical nature.

Rev. Stat.,  
c. 318, s. 7,  
amended.      **3.**—(1) Clauses *b* and *c* of section 7 of *The Game and Fisheries Act* as re-enacted by subsection 1 of section 2 of *The Game and Fisheries Act, 1928*, and amended by subsection 1 of section 2 of *The Game and Fisheries Act, 1929*, and clauses *f* and *ff* of the said section 7 as enacted by subsection 2 of section 2 of *The Game and Fisheries Act, 1928*, are repealed and the following substituted therefor:

Open  
seasons,—      (b) Any deer or moose in that part of Ontario lying north of the Mattawa River, Lake Nipissing and the French River and south of the main line of the Canadian National Railway (formerly Grand Trunk Pacific Railway) from Quebec to the Manitoba boundary line except from the 25th day of October to the 25th day of November, both days inclusive; provided however that on St. Joseph's Island in the District of Algoma, the open season shall be from the 10th day of November to the 25th day of November, both days inclusive;

goose,  
duck,  
eider duck.      (f) any wild goose or wild duck in that part of Ontario lying north and west of the French and Mattawa Rivers except from the 15th day of September to the 30th day of November in any one year, both days

inclusive, other than wood and eider duck, which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

- (ff) any wild goose or wild duck in that part of Ontario <sup>Idem.</sup> lying south of the French and Mattawa Rivers, except from the 1st day of October to the 30th day of November in any one year, both days inclusive, other than wood and eider duck, which may be taken during such period and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council.

(2) Clause *cc* of the said section 7 as enacted by subsection 2 of section 2 of *The Game and Fisheries Act, 1929*, is relettered as clause *c*. <sup>Rev. Stat., c. 318, s. 7, cl. *cc*, (1929, c. 82, s. 2, subs. 2), re-lettered.</sup>

4. Subsection 1 of section 9 of *The Game and Fisheries Act* is repealed and the following substituted therefor: <sup>Rev. Stat., c. 318, s. 9, subs. 1, re-enacted.</sup>

- (1) It shall be unlawful for any person to hunt, take or kill any beaver, or, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council, have in his possession the carcass, skin or any part of any beaver. <sup>Beaver.</sup>

- (1a) It shall be unlawful for any person to hunt, take or kill any otter or have in his possession the carcass, skin or any part of any otter, except during such periods and on such terms and conditions as may be prescribed by the Lieutenant-Governor in Council. <sup>Otter.</sup>

5. Subsection 2 of section 10 of *The Game and Fisheries Act* as amended by section 5 of *The Game and Fisheries Act, 1932*, and subsection 1 of section 5 of *The Game and Fisheries Act, 1933*, is repealed and the following substituted therefor: <sup>Rev. Stat., c. 318, s. 10, subs. 2, re-enacted.</sup>

- (2) No resident British subject shall hunt, take, trap, shoot, kill or molest, or attempt to hunt, take, trap, shoot, kill or molest any fur-bearing animal except under the authority of a license or permit, but this shall not apply to a farmer or his sons trapping upon the lands of such farmer, animals other than beaver and otter during the various open seasons, nor shall this apply to the taking of wolf, or the shooting of fox during the open season; provided however, that the possession of a license or permit authorized by this subsection shall be sufficient authority to enable a licensee to sell, pursuant to the provisions of this <sup>License to hunt, trap, etc.</sup> <sup>Exception as to farmers.</sup> <sup>Authority to sell.</sup>



Act, fur-bearing animals or skins or pelts thereof, hunted, taken, trapped, shot or killed by such licensee under the authority of such license or permit.

Rev. Stat.,  
c. 318, s. 13,  
amended.

6. Section 13 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Dogs.

(2) It shall be unlawful for any person to use or to be accompanied by any dog while hunting deer, moose or caribou, unless such dog be licensed under the provisions of this Act.

Rev. Stat.,  
c. 318, s. 20,  
cl. a  
(1934,  
c. 19, s. 5),  
amended.

7.—(1) Clause *a* of section 20 of *The Game and Fisheries Act* as re-enacted by section 5 of *The Game and Fisheries Act, 1934*, is amended by inserting after the word "shoot" in the second line the word "bear," so that the first four lines of the said clause shall now read as follows:

Hunting  
licenses.

(a) to non-residents, and the fees and licenses shall be—

\$15—for license to hunt and shoot bear, game birds and rabbits, together with a fee of fifty cents for the issuing of same.

Rev. Stat.,  
c. 318, s. 20,  
cl. c,  
amended.

(2) Clause *c* of the said section 20 is amended by striking out the word "six" where it occurs in the second and third lines respectively, and inserting in lieu thereof the word "four," so that the said clause shall now read as follows:

Organized  
hunting  
camps.

(c) to organized hunting camps of residents of Ontario of not less than four in number, and one license for every four holders of resident deer licenses in organized hunting parties, and the fee for such license shall be \$3.50, together with a fee of fifty cents for the issuing of same.

Rev. Stat.,  
c. 318, s. 20,  
amended.

(3) The said section 20 is amended by adding thereto the following clause:

Dog  
license.

(g) for a dog used by or accompanying any person or persons while hunting deer, moose or caribou, and the fee for such license shall be \$1.85, together with a fee of fifteen cents for the issuing of the same.

Rev. Stat.,  
c. 318, s. 25,  
amended.

8. Section 25 of *The Game and Fisheries Act* as amended by section 8 of *The Game and Fisheries Act, 1928*, section 9 of *The Game and Fisheries Act, 1930*, and section 9 of *The Game and Fisheries Act, 1932*, is amended by striking out the item "Fox (red).....75" in the first paragraph and inserting

in lieu thereof the item "Fox (red) ..... .50"; and by inserting after the word "fox" in the second line of the second paragraph the words "and mink," so that the second paragraph of the said section shall now read as follows:

"Such royalties apply to any pelts that may become damaged or destroyed by any means, but shall not apply to silver, black and blue fox and mink bred on fur farms operating within the Province under the authority of a license issued by the Minister, provided that satisfactory proof is furnished by the fur farm licensee, nor shall such royalties apply to pelts imported from outside of the Province, if an affidavit is furnished proving their place of origin to the satisfaction of the Department."

9. Section 29 of *The Game and Fisheries Act* is amended by adding thereto the following subsections: Rev. Stat.,  
c. 318, s. 29,  
amended.

(2) It shall be unlawful for any person at any time to hunt, kill, take or molest any female deer of any age, or any male deer under the age of one year, except as provided under subsections 3 and 4 of section 30. Killing of  
female and  
male deer  
under one  
year pro-  
hibited.

(3) It shall be unlawful for any person to kill or molest any deer while such deer is swimming in the waters of any lake or river. Deer,  
prohibition  
against  
killing  
while  
swimming.

10.—(1) Subsection 1 of section 30 of *The Game and Fisheries Act* is amended by striking out the word "deer" in the second line and inserting in lieu thereof the words "male deer over one year of age," so that the said subsection shall now read as follows: Rev. Stat.,  
c. 318, s. 30,  
subs. 1,  
amended.

(1) It shall be unlawful for a resident during any one year or season to kill or take more than one male deer over one year of age under a resident deer license, and one bull moose or caribou over one year of age, under the authority of a moose license, but this shall not apply to deer which are the private property of any resident, and which have been killed or taken by him or by his direction or with his consent in or upon his own land in accordance with the provisions of section 26 of this Act. Number of  
deer, etc.,  
which may  
be taken by  
residents.

(2) Subsection 2 of the said section 30 is amended by striking out the word "deer" in the second line and inserting in lieu thereof the words "male deer over one year of age" and by inserting after the word "caribou" in the third line the words "over one year of age," so that the said subsection shall now read as follows: Rev. Stat.,  
c. 318, s. 30,  
subs. 2,  
amended.

Number of  
deer, etc.,  
which may  
be taken  
by non-  
residents.

- (2) It shall be unlawful for a non-resident during any one year or season to kill or take more than one male deer over one year of age and one bull moose or caribou over one year of age under the authority of a non-resident hunting license.

Rev. Stat.,  
c. 318, s. 30,  
subs. 3,  
re-enacted.

- (3) Subsection 3 of the said section 30 is repealed and the following substituted therefor:

Aggregate  
kill.

- (3) Notwithstanding the provisions of subsections 1 and 2 of this section, two or more persons hunting together and holding licenses may kill an aggregate of not more than one male deer over the age of one year for each member of the party, provided, however that for every four deer which may lawfully be killed, one female deer or male deer under the age of one year may be killed in lieu of one male deer over the age of one year; but in no case shall persons hunting together kill more than two female deer or male deer under the age of one year.

Deer taken  
under camp  
license.

- (4) The provisions of subsection 3 shall not apply to deer taken by residents under the authority of a camp license which entitles organized resident hunting parties to kill one deer, male or female of any age, to be eaten in camp; provided however that the aggregate number of female deer or male deer under the age of one year taken under any number of camp licenses issued to any one organized hunting camp of residents shall not exceed two, and further provided that the holding of a camp license or licenses shall not entitle the persons to whom they are issued to kill any female deer or male deer under the age of one year in addition to such female deer or male deer under the age of one year which such persons are entitled to kill under the provisions of subsection 3.

Rev. Stat.,  
c. 318, s. 31  
(1932,  
c. 41, s. 10),  
re-enacted.

- 11.** Section 31 of *The Game and Fisheries Act* as re-enacted by section 10 of *The Game and Fisheries Act, 1932*, and amended by section 11 of *The Game and Fisheries Act, 1933*, is repealed and the following substituted therefor:

Police dog,—  
use of  
prohibited.

- 31.—(1) It shall be unlawful for any person to use or to be accompanied by a dog commonly known as a police dog or any cross breed thereof, while hunting deer, moose or caribou.

Number of  
dogs which  
may be used.

- (2) It shall be unlawful while hunting deer, moose or caribou,—



- (a) for a person or any number of persons less than four to use or be accompanied by a dog;
  - (b) for a party of four persons to use or to be accompanied by more than one dog;
  - (c) for a party of more than four persons and less than nine persons to use or to be accompanied by more than two dogs;
  - (d) for a party of nine or more persons to use or be accompanied by more than three dogs.
- (3) It shall be unlawful for the owner of any dog to permit such dog to run at large during the period of the close season for deer in a locality which deer, moose or caribou usually inhabit or in which they are usually found. Dog not to run at large during close season.
- (4) Any person harbouring or claiming to be the owner of such dog shall be deemed to be the owner thereof and any dog found running deer, moose or caribou during the period of the close season for deer shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and such person shall not be liable to any penalty or damage therefor. Who to be deemed owner of dog.
- (5) Any person who loses a dog used in the hunting of deer or moose and is unable to find such animal at the termination of the hunt, shall report such loss to the Department in writing at once, giving a description of the dog and the locality in which it was lost. Lost dogs.
- (6) It shall be unlawful for the owner of any dog to use or permit to be used in any manner whatsoever such dog for the taking or killing of any mink, beaver or otter. Dogs not to be used in taking mink, beaver or otter.
- 12.** Subsection 4 of section 34 of *The Game and Fisheries Act* as amended by subsection 2 of section 10 of *The Game and Fisheries Act, 1930*, is repealed and the following substituted therefor: Rev. Stat., c. 318, s. 34, subs. 4, re-enacted.
- (4) No person shall take or kill more than fifteen wild ducks, other than merganser, in any one day, and not more than one hundred and fifty wild ducks, other than merganser, in any one year, provided however nothing herein contained shall prohibit any person from taking or killing any number of merganser, commonly known as "saw-bill," during the open season. Limit on number of ducks to be taken.

Rev. Stat.,  
c. 318, s. 49,  
amended.

**13.** Section 49 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Duty of  
express  
company,  
etc., as to  
transportation of  
moose head  
and antlers.

(1a) It shall be unlawful for any railway or express company or other common carrier, or any other person or persons, to transport or cause to be transported the head or antlers, or both, of any moose, unless at the time when the head or antlers, or both, are received by such railway or express company or other common carrier, or other person or persons, there are produced to such railway or express company, or other common carrier, or other person or persons, at least the two hind quarters of the carcass from which the head or antlers, or both, were removed.

Commence-  
ment of  
Act.

**14.** This Act shall come into force on the 1st day of June, 1935.









BILL

An Act to amend The Game and Fisheries Act.

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*1st Reading*

April 8th, 1935

*2nd Reading*

April 11th, 1935

*3rd Reading*

April 17th, 1935

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MR. NIXON (Brant)

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Agricultural Development Act.

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MR. MARSHALL

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No. 105

1935

# BILL

An Act to amend The Agricultural Development Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Agricultural Development Amendment Act, 1935*.

Rev. Stat.,  
c. 68, s. 2,  
subs. 1,  
amended.

**2.** Subsection 1 of section 2 of *The Agricultural Development Act* is amended by striking out the word "three" in the third line and inserting in lieu thereof the words "two or more," and by adding at the end thereof the words "who shall hold office during pleasure," so that the said subsection shall now read as follows:

Establish-  
ment of  
board.

(1) There shall be established a board to be known as the Agricultural Development Board, which shall consist of two or more persons to be appointed by the Lieutenant-Governor in Council, who shall hold office during pleasure.

Rev. Stat.,  
c. 68, s. 5,  
amended.

**3.** Section 5 of *The Agricultural Development Act* is amended by inserting after the word "bonds" in the third line the words "or debentures," and by striking out the words "the next preceding section" in the fourth line and inserting in lieu thereof the words "this Act," so that the said section shall now read as follows:

Treasurer  
may  
purchase  
bonds.

**5.** The Lieutenant-Governor in Council may authorize the Treasurer of Ontario, out of the Consolidated Revenue Fund to purchase any bonds or debentures issued by the Board under the authority of this Act.

Rev. Stat.,  
c. 68, s. 7,  
subs. 2,  
amended.

**4.** Subsection 2 of section 7 of *The Agricultural Development Act* is amended by striking out the words "mortgages made to" in the second line and inserting in lieu thereof the words "assets of," by striking out the word "mortgages" in the third line and inserting in lieu thereof the word "assets," and by inserting after the words "shall be a" in the third line,

#### EXPLANATORY NOTES

SECTION 2. The amendment provides that the Board shall consist of two or more members instead of three members, and provides for their removal at the pleasure of the Lieutenant-Governor in Council.

SECTION 3. The Lieutenant-Governor in Council is given power to authorize the Provincial Treasurer to purchase debentures as well as bonds which may be issued by the Board.

SECTION 4. Security for debentures issued by the Board is extended to cover all assets instead of limiting such security to mortgages only.

the word "first," so that the said subsection shall now read as follows:

Security. (2) The debentures so issued shall be issued upon the security of the assets of the Board and shall not exceed the amount of such assets, and such debentures shall be a first charge upon all the assets and revenues of the Board.

Rev. Stat.,  
c. 68, s. 9,  
subs. 1,  
amended. **5.**—(1) Subsection 1 of section 9 of *The Agricultural Development Act* is amended by adding thereto the following clause:

Loans. (h) for such other purposes relating to the development and operation of the applicant's farm as the Board approves.

Rev. Stat.,  
c. 68, s. 9,  
subs. 2,  
amended. (2) Subsection 2 of the said section 9 is amended by adding at the commencement thereof the words "At the time of or," so that the said subsection shall now read as follows:

Collateral  
security. (2) At the time of or subsequently to the making of the loan the Board may accept as collateral security for any loan made under the authority of this Act, a life insurance policy or an assignment thereof or any other security which the Board may deem proper.

Rev. Stat.,  
c. 68, s. 9,  
amended. (3) The said section 9 is amended by adding thereto the following subsection:

Composition,  
extension,  
of time,  
etc. (3) The Board may make such composition, extension of time or scheme of arrangement with any borrower on his loan as the Board deems advisable.

Rev. Stat.,  
c. 68, s. 10,  
re-enacted. **6.** Section 10 of *The Agricultural Development Act* is repealed and the following substituted therefor:

Qualification  
committees. 10. The Board with the approval of the Lieutenant-Governor in Council, may appoint committees, each of which shall be composed of two or more competent persons, one of whom shall be or shall have been a practical farmer, to consider and report to the Board upon applications and upon problems which may arise in connection with loans already made.

Rev. Stat.,  
c. 68, s. 12,  
subs. 1,  
amended. **7.** Subsection 1 of Section 12 of *The Agricultural Development Act* is amended by striking out the figures "\$12,000" in the first line and inserting in lieu thereof the figures "\$7,500," so that the said subsection shall now read as follows:

SECTION 5.—(1) The amendment extends, in a general way, the purposes for which the Board may make loans.

(2) The amendment permits the Board to accept collateral security for a loan at the time the loan is made.

(3) The Board is empowered to make compositions and other arrangements with any borrower where it is deemed advisable to do so.

SECTION 6. Committees may comprise two or more members instead of always comprising three members as formerly. The committees are required to consider applications and problems on loans already made and report to the Board.

SECTION 7. The maximum amount of any loan is reduced from \$12,000 to \$7,500.



Limitations  
as to loan.

- (1) No loan shall exceed \$7,500 and every loan shall be secured by a first mortgage upon lands suitable for agricultural purposes.

Rev. Stat.,  
c. 68, s. 14,  
amended.

8. Section 14 of *The Agricultural Development Act* is amended by striking out the words "sixty-five" in the fourth line and inserting in lieu thereof the word "fifty," so that the said section shall now read as follows:

Extent  
of loan.

14. Where the Board is satisfied that the conditions of this Act have been complied with and that agricultural development will be promoted by the loan, the Board may make a loan to the applicant to the extent of fifty per centum of the value of the security as shown by the valuator's report.

Rev. Stat.,  
c. 68, s. 15,  
re-enacted.

9. Section 15 of *The Agricultural Development Act* is repealed and the following substituted therefor:

Loan,—  
how  
repayable.

- 15.—(1) Except as hereinafter provided, every loan made under this Act shall be repayable in equal annual instalments of principal and interest sufficient to discharge the debt at the end of such period as may be agreed upon, but no loan shall be made for more than thirty years.

Payments  
on account  
of loan.

- (2) Payments on account of the said loan, in addition to those provided for in the mortgage or agreement, may be made at any time.

Provisions of  
payment,—  
alterations  
in.

- (3) Notwithstanding anything contained in this Act, the Board may accept payment of interest without principal for any period not exceeding three years and may, at any time at its discretion, alter the provisions for payment of any mortgage and may consolidate the total indebtedness owing by any mortgagor to the Board, inclusive of accrued interest and moneys paid for taxes and insurance to the date of consolidation and alter the provisions of the mortgage so that the consolidated indebtedness with interest may be repayable in annual instalments within a period not exceeding thirty years from the date of consolidation.

Regulations.

- (4) The Board may, with the approval of the Lieutenant-Governor in Council, make regulations relating to sales made by the Board under the power of sale contained in any mortgage where the purchase money or part thereof is secured by an agreement for sale and such regulations may be to the same



SECTION 8. The maximum amount of any loan shall be fifty per centum of the value of the property instead of sixty-five per centum as formerly.

SECTION 9. Section 15.—(1) The maximum period of any loan is increased from twenty years to thirty years.

(2) Additional payments may be made at any time instead of only on the dates when interest and principal are due.

(3) The Board may alter the terms of repayment and may consolidate the total indebtedness of any mortgagor at the same time altering the terms of repayment.

(4) The Board may, with the approval of the Lieutenant-Governor in Council, make regulations respecting sales made by the Board under power of sale proceedings where part of the purchase money is secured by an agreement for sale.

effect as those provided for in subsection 3 of this section and in subsection 3 of section 9.

Equity of redemption,—  
Board may  
accept  
release of.

- (5) The Board may accept a release of the equity of redemption existing by virtue of a mortgage to it and may sell any mortgaged property which it has thus acquired or which it is empowered to sell by virtue of the power of sale contained in a mortgage, at such price and upon such terms as in its discretion is deemed advisable.

Delay in  
payments.

- (6) When a sale has been made by the Board under the powers of sale contained in any mortgage and the purchase money or part thereof is secured by an agreement for sale and any instalment, whether for principal or interest payable under the said agreement for sale, is not punctually paid, or if the purchaser makes default in the performance of any of the terms of such agreement, the Board, without any formal re-entry or taking of possession and without resorting to proceedings in equity or at law, may, upon ten days' notice in writing to the purchaser directed by mail to him at his address last known to the Board, rescind such agreement and re-sell or otherwise deal with the property as provided for in the said mortgage, to the same extent as if the said agreement for sale had not been entered into.

Rev. Stat.,  
c. 68, s. 18,  
amended.

**10.** Section 18 of *The Agricultural Development Act* is amended by adding thereto the following subsection:

Terms of  
mortgage.

- (2) It shall be a term of any mortgage taken as security for a loan that upon the sale of the farm land mortgaged, the loan shall, at the option of the Board, immediately become due and payable.

Rev. Stat.,  
c. 68, s. 19,  
subs. 1,  
re-enacted.

**11.** Subsection 1 of section 19 of *The Agricultural Development Act* is repealed and the following substituted therefor:

Payments  
on mort-  
gages,—  
how  
disposed of.

- (1) Every payment made on a mortgage given under this Act shall be disposed of as follows:
- (a) That portion of such payment which consists of principal shall, at the option of the Board, be paid to the Provincial Treasurer from time to time as received, to provide for the payment of the principal, payable upon the debentures issued by the Board and held by the Provincial Treasurer; or the Board may, if it so desires, retain the principal portion of such payment and reinvest same in first mortgages

(5) The Board may accept a quit-claim deed.

(6) Where the Board has sold property under power of sale and payments of principal are not made punctually, the Board may rescind the agreement or otherwise deal with the property.

SECTION 10. Where property, on which the Board holds a mortgage, is sold, the loan shall, at the option of the Board be due and payable.

SECTION 11. The provisions of the Act providing for a sinking fund have not, in the past, been complied with and are, by this section repealed. The new section provides for the procedure that is, and has been, customary.

according to the provisions of this Act. Such moneys, shall, while in the hands of the Board be placed in a special account, and shall be kept entirely separate and distinct from the other accounts and funds of the Board. In the event of the Board retaining and reinvesting such principal, the Provincial Treasurer shall, at the end of each fiscal year and upon the certificate of the Provincial Auditor, cancel the Board's debentures up to the amount reinvested by the Board during such year and accept from the Board, new debentures for such amount.

- (b) That portion of such payment which consists of interest and all other revenue of the Board on account of loans shall be applied, in the first instance, in payment of salaries and other operating expenses of the Board and then to payment of losses written off or sustained on the sale of mortgaged properties and the balance then remaining shall be paid to the Provincial Treasurer in payment of interest on debentures issued by the Board.

Rev. Stat.,  
c. 68, s. 20,  
repealed.

**12.** Section 20 of *The Agricultural Development Act*, as amended by section 3 of *The Statute Law Amendment Act, 1928*, is repealed.

Rev. Stat.,  
c. 68, s. 22,  
amended.

**13.** Section 22 of *The Agricultural Development Act* is amended by adding at the end thereof the words "and its employees," so that the said section shall now read as follows:

Salaries and  
travelling  
expenses of  
Board and  
employees.

22. The Lieutenant-Governor in Council may fix the salaries or other remuneration and an allowance for travelling or other expenses of the Board and its employees.

Rev. Stat.,  
c. 68, s. 23,  
re-enacted.

**14.** Section 23 of *The Agricultural Development Act* is repealed and the following substituted therefor:

Salaries  
and  
remunera-  
tion,—how  
payable.

23. The salaries or other remuneration of the Board and its officers and employees and all expenses of the Board or connected with the administration of the Act, shall be a first charge upon the interest payments received by the Board and shall be payable out of same as approved by the Board, and any additional moneys required for these purposes shall be paid out of the Consolidated Revenue Fund upon the certificate of the Minister or of an officer designated by him for that purpose.

SECTION 12. The section repealed is a further provision relating to the sinking fund which it was originally intended to establish.

SECTION 13. The salaries of employees of the Board may be fixed by the Lieutenant-Governor in Council.

SECTION 14. Salaries of the Board and its officers and employees, as well as expenses, are made a first charge on interest payments received by the Board.



Rev. Stat.,  
c. 68, s. 25,  
subs. 1,  
amended.

**15.** Subsection 1 of section 25 of *The Agricultural Development Act* is amended by striking out the word "December" in the second line and inserting in lieu thereof the word "January."

Commence-  
ment of  
Act.

**16.** This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 15. The annual report of the Board to the Minister is due January 31st instead of December 31st.





BILL

An Act amend The Agricultural Development Act.

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*1st Reading*

April 8th, 1935

*2nd Reading*

*3rd Reading*

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MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Agricultural Development Act.

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MR. MARSHALL

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No. 105

1935

# BILL

An Act to amend The Agricultural Development Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Agricultural Development Amendment Act, 1935*.

Rev. Stat.,  
c. 68, s. 2,  
subs. 1,  
amended.      **2.** Subsection 1 of section 2 of *The Agricultural Development Act* is amended by striking out the word "three" in the third line and inserting in lieu thereof the words "two or more," and by adding at the end thereof the words "who shall hold office during pleasure," so that the said subsection shall now read as follows:

Establish-  
ment of  
board.      (1) There shall be established a board to be known as the Agricultural Development Board, which shall consist of two or more persons to be appointed by the Lieutenant-Governor in Council, who shall hold office during pleasure.

Rev. Stat.,  
c. 68, s. 5,  
amended.      **3.** Section 5 of *The Agricultural Development Act* is amended by inserting after the word "bonds" in the third line the words "or debentures," and by striking out the words "the next preceding section" in the fourth line and inserting in lieu thereof the words "this Act," so that the said section shall now read as follows:

Treasurer  
may  
purchase  
bonds.      **5.** The Lieutenant-Governor in Council may authorize the Treasurer of Ontario, out of the Consolidated Revenue Fund to purchase any bonds or debentures issued by the Board under the authority of this Act.

Rev. Stat.,  
c. 68, s. 7,  
subs. 2,  
amended.      **4.** Subsection 2 of section 7 of *The Agricultural Development Act* is amended by striking out the words "mortgages made to" in the second line and inserting in lieu thereof the words "assets of," by striking out the word "mortgages" in the third line and inserting in lieu thereof the word "assets," and by inserting after the words "shall be a" in the third line,

the word "first," so that the said subsection shall now read as follows:

- (2) The debentures so issued shall be issued upon the security of the assets of the Board and shall not exceed the amount of such assets, and such debentures shall be a first charge upon all the assets and revenues of the Board.

5.—(1) Subsection 1 of section 9 of *The Agricultural Development Act* is amended by adding thereto the following clause: Rev. Stat.,  
c. 68, s. 9,  
subs. 1,  
amended.

- (h) for such other purposes relating to the development and operation of the applicant's farm as the Board approves. Loans.

(2) Subsection 2 of the said section 9 is amended by adding at the commencement thereof the words "At the time of or," so that the said subsection shall now read as follows: Rev. Stat.,  
c. 68, s. 9,  
subs. 2,  
amended.

- (2) At the time of or subsequently to the making of the loan the Board may accept as collateral security for any loan made under the authority of this Act, a life insurance policy or an assignment thereof or any other security which the Board may deem proper. Collateral  
security.

(3) The said section 9 is amended by adding thereto the following subsection: Rev. Stat.,  
c. 68, s. 9,  
amended.

- (3) The Board may make such composition, extension of time or scheme of arrangement with any borrower on his loan as the Board deems advisable. Composition,  
extension,  
of time,  
etc.

6. Section 10 of *The Agricultural Development Act* is repealed and the following substituted therefor: Rev. Stat.,  
c. 68, s. 10,  
re-enacted.

10. The Board with the approval of the Lieutenant-Governor in Council, may appoint committees, each of which shall be composed of two or more competent persons, one of whom shall be or shall have been a practical farmer, to consider and report to the Board upon applications and upon problems which may arise in connection with loans already made. Qualification  
committees.

7. Subsection 1 of section 12 of *The Agricultural Development Act* is amended by striking out the figures "\$12,000" in the first line and inserting in lieu thereof the figures "\$7,500," so that the said subsection shall now read as follows: Rev. Stat.,  
c. 68, s. 12,  
subs. 1,  
amended.

Limitations  
as to loan.

- (1) No loan shall exceed \$7,500 and every loan shall be secured by a first mortgage upon lands suitable for agricultural purposes.

Rev. Stat.,  
c. 68, s. 14,  
amended.

8. Section 14 of *The Agricultural Development Act* is amended by striking out the words "sixty-five" in the fourth line and inserting in lieu thereof the word "fifty," so that the said section shall now read as follows:

Extent  
of loan.

14. Where the Board is satisfied that the conditions of this Act have been complied with and that agricultural development will be promoted by the loan, the Board may make a loan to the applicant to the extent of fifty per centum of the value of the security as shown by the valuator's report.

Rev. Stat.,  
c. 68, s. 15,  
re-enacted.

9. Section 15 of *The Agricultural Development Act* is repealed and the following substituted therefor:

Loan,—  
how  
repayable.

- 15.—(1) Except as hereinafter provided, every loan made under this Act shall be repayable in equal annual instalments of principal and interest sufficient to discharge the debt at the end of such period as may be agreed upon, but no loan shall be made for more than thirty years.

Payments  
on account  
of loan.

- (2) Payments on account of the said loan, in addition to those provided for in the mortgage or agreement, may be made at any time.

Provisions of  
payment,—  
alterations  
in.

- (3) Notwithstanding anything contained in this Act, the Board may accept payment of interest without principal for any period not exceeding three years and may, at any time at its discretion, alter the provisions for payment of any mortgage and may consolidate the total indebtedness owing by any mortgagor to the Board, inclusive of accrued interest and moneys paid for taxes and insurance to the date of consolidation and alter the provisions of the mortgage so that the consolidated indebtedness with interest may be repayable in annual instalments within a period not exceeding thirty years from the date of consolidation.

Regulations.

- (4) The Board may, with the approval of the Lieutenant-Governor in Council, make regulations relating to sales made by the Board under the power of sale contained in any mortgage where the purchase money or part thereof is secured by an agreement for sale and such regulations may be to the same



effect as those provided for in subsection 3 of this section and in subsection 3 of section 9.

- (5) The Board may accept a release of the equity of redemption existing by virtue of a mortgage to it and may sell any mortgaged property which it has thus acquired or which it is empowered to sell by virtue of the power of sale contained in a mortgage, at such price and upon such terms as in its discretion is deemed advisable. Equity of redemption,—Board may accept release of.

- (6) When a sale has been made by the Board under the powers of sale contained in any mortgage and the purchase money or part thereof is secured by an agreement for sale and any instalment, whether for principal or interest payable under the said agreement for sale, is not punctually paid, or if the purchaser makes default in the performance of any of the terms of such agreement, the Board, without any formal re-entry or taking of possession and without resorting to proceedings in equity or at law, may, upon ten days' notice in writing to the purchaser directed by mail to him at his address last known to the Board, rescind such agreement and re-sell or otherwise deal with the property as provided for in the said mortgage, to the same extent as if the said agreement for sale had not been entered into. Delay in payments.

**10.** Section 18 of *The Agricultural Development Act* is amended by adding thereto the following subsection: Rev. Stat., c. 68, s. 18, amended.

- (2) It shall be a term of any mortgage taken as security for a loan that upon the sale of the farm land mortgaged, the loan shall, at the option of the Board, immediately become due and payable. Terms of mortgage.

**11.** Subsection 1 of section 19 of *The Agricultural Development Act* is repealed and the following substituted therefor: Rev. Stat., c. 68, s. 19, subs. 1, re-enacted.

- (1) Every payment made on a mortgage given under this Act shall be disposed of as follows: Payments on mortgages,—how disposed of.
- (a) That portion of such payment which consists of principal shall, at the option of the Board, be paid to the Provincial Treasurer from time to time as received, to provide for the payment of the principal, payable upon the debentures issued by the Board and held by the Provincial Treasurer; or the Board may, if it so desires, retain the principal portion of such payment and reinvest same in first mortgages



according to the provisions of this Act. Such moneys, shall, while in the hands of the Board be placed in a special account, and shall be kept entirely separate and distinct from the other accounts and funds of the Board. In the event of the Board retaining and reinvesting such principal, the Provincial Treasurer shall, at the end of each fiscal year and upon the certificate of the Provincial Auditor, cancel the Board's debentures up to the amount reinvested by the Board during such year and accept from the Board, new debentures for such amount.

- (b) That portion of such payment which consists of interest and all other revenue of the Board on account of loans shall be applied, in the first instance, in payment of salaries and other operating expenses of the Board and then to payment of losses written off or sustained on the sale of mortgaged properties and the balance then remaining shall be paid to the Provincial Treasurer in payment of interest on debentures issued by the Board.

Rev. Stat.,  
c. 68, s. 20,  
repealed.

**12.** Section 20 of *The Agricultural Development Act*, as amended by section 3 of *The Statute Law Amendment Act, 1928*, is repealed.

Rev. Stat.,  
c. 68, s. 22,  
amended.

**13.** Section 22 of *The Agricultural Development Act* is amended by adding at the end thereof the words "and its employees," so that the said section shall now read as follows:

Salaries and  
travelling  
expenses of  
Board and  
employees.

22. The Lieutenant-Governor in Council may fix the salaries or other remuneration and an allowance for travelling or other expenses of the Board and its employees.

Rev. Stat.,  
c. 68, s. 23,  
re-enacted.

**14.** Section 23 of *The Agricultural Development Act* is repealed and the following substituted therefor:

Salaries  
and  
remunera-  
tion,—how  
payable.

23. The salaries or other remuneration of the Board and its officers and employees and all expenses of the Board or connected with the administration of the Act, shall be a first charge upon the interest payments received by the Board and shall be payable out of same as approved by the Board, and any additional moneys required for these purposes shall be paid out of the Consolidated Revenue Fund upon the certificate of the Minister or of an officer designated by him for that purpose.

**15.** Subsection 1 of section 25 of *The Agricultural Development Act* is amended by striking out the word "December" in the second line and inserting in lieu thereof the word "January."

Rev. Stat.,  
c. 68, s. 25,  
subs. 1,  
amended.

**16.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

BILL

An Act to amend The Agricultural  
Development Act.

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*1st Reading*

April 8th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 16th, 1935

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MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to provide for the Sale of Clean Grain.

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MR. MARSHALL

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# BILL

An Act to provide for the Sale of Clean Grain.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- |   |   |
|---|---|
| Short title.                                  | 1. This Act may be cited as <i>The Clean Grain Act, 1935</i> .  |
| Interpre-<br>tation.                          | 2. In this Act,—  |
| "Grain."                                      | (a) "Grain" shall include oats, barley, corn, wheat, rye, buckwheat, peas, flax, screenings and such other grain or seed as may be designated by the Lieutenant-Governor in Council whether the same is mixed or unmixed, ground or unground; |
| "Impurities."                                 | (b) "Impurities" shall include such substances, matters and things as may be designated by the regulations;   |
| "Minister."                                   | (c) "Minister" shall mean Minister of Agriculture;  |
| "Regula-<br>tions."                           | (d) "Regulations" shall mean regulations made under this Act;   |
| "Sell."                                       | (e) "Sell" shall mean and include keep, offer or expose for sale or sell, and "sold" shall have a corresponding meaning;  |
| "Weed<br>seeds."                              | (f) "Weed seeds" shall include the seeds of any plant designated by the regulations.  |
| Exceptions<br>as to<br>application<br>of Act. | 3. This Act shall not apply to grain which is sold,—  |
|   | (a) by the grower thereof to any person who puts such grain to his own use and does not resell the same;  |
|   | (b) by the grower thereof to any person for the purpose of cleaning before being resold;  |
|   | (c) for such other purposes as may be provided by the regulations.  |



#### EXPLANATORY NOTES

Feed grain as it is produced and marketed is probably doing more to encourage weeds than any other single factor.

Both the Dominion and the Provincial Governments are spending hundreds of thousands of dollars yearly to control noxious weeds, while on the other hand thousands of cars of feed grains are being sold to the farmers which may contain as high as a 1,000,000 noxious weed seeds per 100 pounds of grain.

A large percentage of the weed seeds in this grain can easily be removed. They can not be ground by the average chopper, hence are eaten by livestock and passed back to the land without destroying germination. Individual and groups of farmers, and many elevator men are requesting the Government to make some effort to control this serious situation. The large grain dealers of Ontario appear to be in sympathy with the idea.

Imported grain to comply with regulations before sale in Ontario.

4.—(1) Except as provided by this Act or the regulations all grain brought into Ontario shall before being offered for sale or sold therein be clean and free from weed seeds and other impurities as provided for in and required by the regulations.

Invoice to show compliance with Act.

(2) Except as provided in subsection 1, the bill of lading or invoice of every shipment of grain which is sold or to be sold in Ontario shall have printed or marked thereon a statement that such grain complies with this Act and the regulations.

Grain under shipment.

(3) All grain to which this Act applies while under shipment within Ontario shall *prima facie* be presumed to be intended to be offered for sale or sold in Ontario unless the bill of lading or invoice of such shipment establishes the contrary to be the case.

Sale of unclean grain prohibited.

5. No grain to which this Act applies may be offered for sale or sold in Ontario unless the same complies with this Act and the regulations.

Regulations.

6. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

- (a) designating the plants the seeds of which shall be weed seeds within the meaning of this Act;
- (b) designating the substances, matters and things which shall be impurities within the meaning of this Act;
- (c) prescribing the maximum quantity or percentage of weed seeds or impurities which may be mixed or contained with grain to which this Act applies;
- (d) prescribing the methods and means by which grain to which this Act applies shall be cleaned and freed from weed seeds and impurities;
- (e) providing for the inspection, sampling and testing of grain to which this Act applies.

Penalty.

7.—(1) Every person who offers for sale or sells in Ontario any grain to which this Act applies which does not comply with this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 nor more than \$200 for each offence recoverable under *The Summary Convictions Act*.

Rev. Stat., c. 121.

Seizure of grain sold in contravention of Act.

(2) In addition to any penalty to which any person may be subject under this Act, any grain to which this Act applies offered for sale or sold in Ontario, except in compliance with



this Act may be seized by any person authorized by the Minister and may be held by such person at the expense of the owner of the grain until this Act is complied with and failing such compliance within twenty-one days after seizure the grain shall be forfeited and may be disposed of as the Minister may direct.

Commence-  
ment of  
Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to provide for the Sale of  
Clean Grain.

---

*1st Reading*

April 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to provide for the Sale of Clean Grain.

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MR. MARSHALL

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# BILL

An Act to provide for the Sale of Clean Grain.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- |   |   |
|---|---|
| Short title.                                  | 1. This Act may be cited as <i>The Clean Grain Act, 1935</i> .  |
| Interpre-<br>tation.                          | 2. In this Act,—  |
| "Grain."                                      | (a) "Grain" shall include oats, barley, corn, wheat, rye, buckwheat, peas, flax, screenings and such other grain or seed as may be designated by the Lieutenant-Governor in Council whether the same is mixed or unmixed, ground or unground; |
| "Impurities."                                 | (b) "Impurities" shall include such substances, matters and things as may be designated by the regulations;   |
| "Minister."                                   | (c) "Minister" shall mean Minister of Agriculture;  |
| "Regula-<br>tions."                           | (d) "Regulations" shall mean regulations made under this Act;   |
| "Sell."                                       | (e) "Sell" shall mean and include keep, offer or expose for sale or sell, and "sold" shall have a corresponding meaning;  |
| "Weed<br>seeds."                              | (f) "Weed seeds" shall include the seeds of any plant designated by the regulations.  |
| Exceptions<br>as to<br>application<br>of Act. | 3. This Act shall not apply to grain which is sold,—  |
|   | (a) by the grower thereof to any person who puts such grain to his own use and does not resell the same;  |
|   | (b) by the grower thereof to any person for the purpose of cleaning before being resold;  |
|   | (c) for such other purposes as may be provided by the regulations.  |

4.—(1) Except as provided by this Act or the regulations all grain brought into Ontario shall before being offered for sale or sold therein be clean and free from weed seeds and other impurities as provided for in and required by the regulations. Imported grain to comply with regulations before sale in Ontario.

(2) Except as provided in subsection 1, the bill of lading or invoice of every shipment of grain which is sold or to be sold in Ontario shall have printed or marked thereon a statement that such grain complies with this Act and the regulations. Invoice to show compliance with Act.

(3) All grain to which this Act applies while under shipment within Ontario shall *prima facie* be presumed to be intended to be offered for sale or sold in Ontario unless the bill of lading or invoice of such shipment establishes the contrary to be the case. Grain under shipment.

5. No grain to which this Act applies may be offered for sale or sold in Ontario unless the same complies with this Act and the regulations. Sale of unclean grain prohibited.

6. The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,— Regulations.

(a) designating the plants the seeds of which shall be weed seeds within the meaning of this Act;

(b) designating the substances, matters and things which shall be impurities within the meaning of this Act;

(c) prescribing the maximum quantity or percentage of weed seeds or impurities which may be mixed or contained with grain to which this Act applies;

(d) prescribing the methods and means by which grain to which this Act applies shall be cleaned and freed from weed seeds and impurities;

(e) providing for the inspection, sampling and testing of grain to which this Act applies.

7.—(1) Every person who offers for sale or sells in Ontario any grain to which this Act applies which does not comply with this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 nor more than \$200 for each offence recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 121.

(2) In addition to any penalty to which any person may be subject under this Act, any grain to which this Act applies offered for sale or sold in Ontario, except in compliance with Seizure of grain sold in contravention of Act.

this Act may be seized by any person authorized by the Minister and may be held by such person at the expense of the owner of the grain until this Act is complied with, and failing such compliance within twenty-one days after seizure the grain shall be forfeited and may be disposed of as the Minister may direct.

Commence-  
ment of  
Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to provide for the Sale of  
Clean Grain.

---

*1st Reading*

April 8th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 16th, 1935

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Mr. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Noxious Weeds.

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MR. MARSHALL

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# BILL

## An Act respecting Noxious Weeds.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Weed Control Act, 1935*.
- Inter-pretation.      **2.** In this Act and in any regulation made thereunder unless the context otherwise requires,—
- “Director.”      (a) “Director” shall mean the Director of Crops, Seeds and Weeds Branch of the Department of Agriculture;
- “District inspector.”      (b) “District inspector” shall mean an inspector of the Department of Agriculture appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister; (*New*)
- “Inspector.”      (c) “Inspector” shall mean any officer appointed under the authority of this Act and charged with the enforcement of this Act; R.S.O. 1927, c. 309, s. 1, cl. c, *amended*;
- “Minister.”      (d) “Minister” shall mean Minister of Agriculture;
- “Non-resident land.”      (e) “Non-resident land” shall mean land which is unoccupied and the owner of which is not resident within the municipality;
- “Noxious weed.”      (f) “Noxious weed” shall mean any plant designated noxious by the regulations;
- “Regulations.”      (g) “Regulations” shall mean regulations made under the authority of this Act;
- “Un-organized townships.”      (h) “Unorganized townships” shall mean townships without municipal organization. R.S.O. 1927, c. 309, s. 1, cls. (*d-h*).

#### EXPLANATORY NOTES

SECTION 2. This is the same as section 1 of the present Act except that in place of the definition of "advertisement," appearing in the present Act, a definition of "director" and "district inspector" has been added.

Regu-  
lations.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

- (a) prescribing the plants that shall be deemed noxious weeds;
- (b) providing for the appointment or employment of such officials as from time to time may be required for the proper administration of this Act;
- (c) providing for the giving of notice of the provisions of this Act and of the regulations to persons to whom such notice should be given, and the manner of giving the same;
- (d) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 309, s. 2.

Declaring  
certain  
plants  
noxious  
weeds  
within  
county.

4.—(1) The council of any county may, with the consent of the Minister, pass by-laws declaring that plants other than those mentioned in the regulations, for the purposes of this Act shall be deemed noxious weeds within the county.

Publi-  
cation of  
by-law.

(2) Any by-law passed under the authority of subsection 1 shall be published in the *Ontario Gazette* and when so published shall have the same force and effect within the county as if the provisions thereof had been contained in the regulations. 1934, c. 64, s. 2, *part*.

Destruction  
of weeds.

5. Every occupant of land, or if the land is unoccupied, the owner shall destroy all weeds designated noxious by the regulations as often in every year as is sufficient to prevent the ripening of their seeds. R.S.O. 1927, c. 309, s. 3.

Inspector,—  
appoint-  
ment of,  
by council.

6.—(1) The council of every city, town, village and township shall appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of the remuneration, fees or charges he is to receive for the performance of his duties, and if a vacancy occurs in the office, the council shall fill the same forthwith.

Division of  
municipality  
into  
sections.

(2) The council may by by-law divide the municipality into sections or divisions for the carrying out of the provisions of this Act and may appoint inspectors for such divisions whose duties and powers shall, in all respects, be the same as those of the township inspector. R.S.O. 1927, c. 309, s. 4.

Inspector,—  
appoint-  
ment of  
by Minister.

7.—(1) Where a council neglects or refuses to appoint an inspector as provided in the preceding section the Minister may, writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors.

SECTIONS 3-6, Same as sections 2 to 5 of the present Act.

SECTION 7.—(1), (2) Same as section 5 of the present Act.



Remuneration, fees, etc.,

(2) Such remuneration, fees and charges shall be paid to the inspector or inspectors upon the order in writing of the Minister addressed to the treasurer of the municipality. R.S.O. 1927, c. 309, s. 5.

Incompetence.

(3) If, in the opinion of the Minister, any inspector appointed pursuant to this section is incompetent or remiss in the discharge of his duties, the Minister may cancel the appointment of such inspector by sending a notice in writing in that behalf to the council of the municipality. (*New*).

Member of council, road superintendent, foreman, not to be inspector.

8. No person shall be appointed or act as an inspector under the provisions of this Act within the corporate limits of a municipality, who is a member of the council of that municipality or who is a township road superintendent or foreman. (*New*).

Consent of Director or district inspector, when required.

9. The powers conferred by this Act upon any inspector to direct the destruction of any grain or forage crop, whether growing or not, or to destroy any such crop, shall not be exercised without first obtaining the consent in writing of the Director or the district inspector. (*New*).

Power of entry.

10. Any inspector appointed under the provisions of this Act may at any time between sunrise and sunset enter upon any land which is within a district for which he is appointed, and enter any building, other than a dwelling house, situated thereon for the purpose of inspecting same, and may inspect any threshing machine, farm machinery or vehicle in order to search for noxious weeds or weed seeds. (*New*).

Account of expense to be kept by inspector.

11.—(1) The inspector shall keep an account of the expense incurred by him in carrying out the provisions of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses, describing the land entered upon, and verified by oath where the amount exceeds \$5 to the owner or occupant of resident land with a notice requiring him to pay the amount.

Railway company.

(a) In the case of a railway company, the statement and notice may be given to a station master of the company resident in the municipality, or if there is no station master therein, to a station master resident in an adjoining or neighbouring municipality, or to the divisional superintendent.

Appeal from cost.

(2) If the owner or occupant deems such expenses excessive he may appeal to the council within fifteen days after the delivery of such statement and the council shall determine the matter in dispute.



(3) This is new and gives power to the Minister to discharge an incompetent inspector.

SECTION 8. This is new and provides that a member of a municipal council, a road superintendent or foreman is not to be appointed an inspector.

SECTION 9. This is new and provides that inspectors must obtain the consent of the Director or a district inspector before destroying any crop.

SECTION 10. This is new and gives the inspector the right to enter buildings or upon lands for inspection purposes. There is no provision of this kind in the present Act.

SECTION 11.—(1) Same as subsection 1 of the present section except that accounts under \$5 are not required to be verified.

The clause (a) is the same as in the present section with the further alternative that the notice or statement may be given to the Divisional Superintendent.

(2) Same as subsection 2 of section 6 of the present Act except that the time for appeal is reduced from thirty to fifteen days.

Refusal or  
neglect to  
pay cost.

(3) If the owner or occupant refuses or neglects to pay such expenses within fifteen days after request for payment, the claim shall be presented to the council and the council shall audit the same and allow it, or so much thereof as may be found properly payable, and order the same to be paid from the general funds of the corporation.

Statement  
of expenses.

(4) The inspector shall also present to the council a similar statement and where the amount exceeds \$5, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident land, and the council shall audit and allow the same, or so much thereof as may be properly payable and shall pay so much of it as has been so allowed. R.S.O. 1927, c. 309, s. 6 (1-4), *amended*.

Expenses to  
be charge  
against  
land.

(5) The council shall cause all such sums as have been so allowed and paid to be placed upon the tax roll of the municipality against the land described in the statement of the inspector to be collected in the same manner as other taxes. R.S.O. 1927, c. 309, s. 6 (5).

Destruction  
of weeds  
in city,  
town or  
village.

**12.—**(1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any city, town, village or township shall forthwith deliver or send by registered mail, to the treasurer of such city, town, village or township a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice. (*New*).

Right of  
entry.

(2) In case default is made by any city, town, village or township in complying with the requirements of a notice given pursuant to this section, any district inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary, enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds in such manner as the district inspector may deem proper. (*New*).

Expenses,—  
how  
payable.

(3) All expenses incurred by any district inspector in the destruction of noxious weeds or weed seeds pursuant to the provisions of this section shall be payable on demand by the city, town, village or township in respect of which the same were incurred and may be recovered by suit brought in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown; and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the city, town,

(3) Same as subsection 3 of section 6 of the present Act except that the new subsection provides that the claim may be presented to council fifteen days after request for payment, instead of thirty days as in the present subsection.

(4) Same as subsection 4 of section 6 of the present Act except that amounts under \$5 need not be verified by oath.

(5) Same as subsection 5 of section 6 of the present Act.

SECTION 12. This is new and provides that where a municipality neglects to destroy weeds after due notice, the district inspector may proceed to destroy the weeds and the expense incurred in so doing shall be recovered from the municipality.

village or township, as the case may be, in respect of such expenditures. (*New*).

Inspector  
to report  
amount  
expended  
to clerk.

**13.**—(1) Notwithstanding the provisions of section 11, in cities and towns where the person appointed as inspector is an officer or servant of the corporation he shall report to the clerk the amount expended by the municipality in carrying out the provisions of this Act with respect to each parcel of land and the clerk shall place on the collectors' roll of the municipality the sum so expended against the respective lands, and such sum shall be collected in the same manner as other taxes, subject to an appeal to the court of revision of the said city or town at any time during the year in which the said sums are placed on the collectors' roll. 1928, c. 51, s. 2.

Application  
of section  
in townships.

(2) The council of any township adjacent to a city or town may by by-law declare that, with respect to the whole township or any defined area or areas in such township, the provisions of this section shall apply as in the case of a city or town. (*New*).

Road  
authority,—  
duty of as  
to cutting  
weeds.

**14.**—(1) It shall be the duty of every road authority to see that all weeds growing upon streets or highways under its jurisdiction are cut down or destroyed at the proper time to prevent the ripening of their seed, and to appoint such officers as may be necessary for that purpose.

"Road  
authority,"—  
meaning of.

(a) In this section "road authority" shall have the same meaning as in *The Highway Improvement Act*.

Default  
of road  
authority.

(2) Upon the report of the Minister of Agriculture that any road authority is in default in the duty imposed upon it by subsection 1, the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund in respect of roads under the jurisdiction of such road authority under *The Highway Improvement Act* or any other Act relating to highways shall be withheld until it is shown to the satisfaction of the Minister of Highways that the road authority has carried out the duty so imposed.

Cost of  
weed  
cutting,—  
how to be  
met.

(3) The council of a local municipality may by by-law provide that thereafter the annual cost of cutting down or destroying noxious weeds on any highway under the control of the municipality, but which has not been assumed by the corporation, shall be specially assessed upon the lands abutting directly on such highway.

Destruction  
of weeds  
not to be  
deemed  
assumption  
of highway.

(4) Neither the passing of a by-law under subsection 3, nor the expenditure of public money for cutting down or destroying noxious weeds upon a highway shall be an assumption of such highway for public use by the municipal



SECTION 13.—(1) This is the same as section 6a of the present Act enacted in 1928.

(2) This is new and provides that townships adjacent to a city or town may take advantage of the provisions of subsection 1 of section 13,

SECTION 14. Same as section 7 of the present Act as re-enacted in 1928.



corporation having control of such highway so as to render such corporation liable for repair or for damages resulting from non-repair within the meaning of *The Municipal Act*, 1928, c. 51, s. 3.

Railway  
company,—  
duty of.

**15.** It shall be the duty of every railway company to prevent noxious weeds from growing upon any land owned or occupied by it for the purposes of, or in connection with its railway undertakings. (*New*).

Occupant  
of land  
to be  
responsible.

**16.** For the purposes of this Act, every occupant of land shall be responsible for all noxious weeds growing to the low water mark of any river, stream, lake or other body of water. (*New*).

Depositing  
weeds  
on road  
prohibited.

**17.** No person shall deposit or permit to be deposited any weeds or weed seeds on any road, road allowance, highway, street or lane or in any river, stream, lake or body of water. (*New*).

Threshing  
machine,—  
cleaning of

**18.—(1)** Every person in possession or charge of any machine used for threshing shall, before removing such machine, or any equipment used in connection therewith, to another farm, or before travelling upon any public roadway, clean or cause the same to be cleaned thoroughly both inside and out, by the removal of all seeds and other crop refuse.

Threshing  
machine  
not to be  
placed near  
line fence.

(2) When the threshing is to be done outside or by stook threshing, the threshing outfit shall not be placed near a line fence in such a manner that weed seeds are likely to blow over on neighbouring farms. (*New*).

Registration  
of threshing  
machine.

**19.—(1)** Every person, firm or company owning or operating a threshing machine or separator, or causing the same to be operated for hire, shall each year before commencing operations, register such threshing machine or separator with the Minister and shall procure a certificate of registration as in Form A in the schedule hereto.

Posting  
of regis-  
tration  
certificate.

(2) Such registration certificate shall be kept posted in a conspicuous place upon the machine or separator by the owner or operator during the whole of the threshing season.

Fees.

(3) (a) The fee for registration shall be \$1;

Transfer of  
ownership.

(b) Notice of any transfer or change of ownership of any machine registered under this Act shall be promptly forwarded to the Minister.

Penalty.

(4) Failure to comply with the provisions of this section shall be an offence and the offender shall be liable to a penalty of not less than \$10 nor more than \$25. (*New*).

SECTION 15. This is new and imposes a duty on railway companies to destroy weeds on railway property.

SECTION 16. This is new and provides that the Act shall apply to lands abutting on lakes and rivers where the water has receded.

SECTION 17. The purpose of this section, which is new, is to prevent the careless disposal of weeds.

SECTION 18. This section is new. Subsection 1 provides for the cleaning of threshing machines to prevent weed seeds being carried from one farm to another on the machine. Subsection 2 is to prevent weed seeds blowing onto adjoining farms.

SECTION 19. This section is new and requires threshing machines to be registered in order that the Department may distribute literature on weed control and see that the provisions of the Act are observed by the owners of such machines.

Refuse.

**20.** Every person responsible for the operation of a grain elevator, grist mill, flour mill, seed cleaning plant or other grain cleaning or grinding machinery shall dispose of all refuse, containing weed seeds, in such a manner that such weed seeds do not create a weed menace to neighbouring or other property. (*New*).

Un-organized territory.

**21.** In unorganized territory where road commissioners have been appointed under *The Statute Labour Act* such commissioners shall for the purposes of this Act have the powers and perform the duties of an inspector, and all the provisions of this Act and the regulations shall apply in the same manner as in the case of an unorganized municipality except that any sums payable by any person liable for expenses incurred or remuneration paid in carrying out the provisions of this Act shall be collectible in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. (*New*).

District inspectors.

**22.** In any unorganized territory or division thereof, the Minister may appoint inspectors where he deems it necessary for the better carrying out of the provisions of this Act. (*New*).

Penalty, refusal or neglect.

**23.** Any person who contravenes any of the provisions of this Act or refuses or neglects to obey any lawful order of an inspector given under the authority of this Act, shall incur a penalty of not less than \$10 nor more than \$50 for every such offence. R.S.O. 1927, c. 309, s. 8.

Penalty,—obstructing inspector.

**24.** Any person interfering with or obstructing any inspector in the performance of his duties under this Act shall incur a penalty not exceeding \$50. (*New*).

Recovery of penalties.

**25.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 309, s. 9.

Rev. Stat., c. 309, 1928, c. 51; 1934, c. 64, repealed.

**26.** *The Weed Control Act*, being chapter 309 of the Revised Statutes of Ontario, 1927, *The Weed Control Act*, 1928, and *The Weed Control Act*, 1934, are repealed.

Commencement of Act.

**27.** This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 20. This is new and provides for the proper disposal of weed seeds by grain elevators, flour mills and seed cleaning plants.

SECTION 21. This is new and makes provision for weed inspectors in unorganized districts.

SECTION 22. This is new and provides that the Minister may appoint inspectors in unorganized districts.

SECTION 23. Imposes a penalty for violations of the Act. It is the same as section 8 of the present Act with a slight change in the wording.

SECTION 24. This is new and imposes a penalty for interfering with or obstructing an inspector.

SECTION 25. This is the same as section 9 of the present Act.

SECTION 26. Repeals the present *Weed Control Act* and the amending Acts of 1928 and 1934.



FORM A  
THE WEED CONTROL ACT, 1935  
(Section 19)

PROVINCE OF ONTARIO

DEPARTMENT OF AGRICULTURE

Registration Certificate of Threshing Machine No.

THIS IS TO CERTIFY THAT.....  
of.....  
has duly registered his threshing machine in accordance with the pro-  
visions of section .....of *The Weed Control Act, 1935*.

Dated at Toronto, Ontario, }  
this.....day of.....  
.....19... }

.....  
*Minister of Agriculture.*









BILL

An Act respecting Noxious Weeds.

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*1st Reading*

April 8th, 1935

*2nd Reading*

*3rd Reading*

---

MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Noxious Weeds.

---

MR. MARSHALL

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# BILL

## An Act respecting Noxious Weeds.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title.      **1.** This Act may be cited as *The Weed Control Act, 1935*.
- Inter-pretation.      **2.** In this Act and in any regulation made thereunder unless the context otherwise requires,—
- “Director.”      (a) “Director” shall mean the Director of Crops, Seeds and Weeds Branch of the Department of Agriculture;
- “District inspector.”      (b) “District inspector” shall mean an inspector of the Department of Agriculture appointed by the Lieutenant-Governor in Council upon the recommendation of the Minister; (*New*)
- “Inspector.”      (c) “Inspector” shall mean any officer appointed under the authority of this Act and charged with the enforcement of this Act; R.S.O. 1927, c. 309, s. 1, cl. c, *amended*;
- “Minister.”      (d) “Minister” shall mean Minister of Agriculture;
- “Non-resident land.”      (e) “Non-resident land” shall mean land which is unoccupied and the owner of which is not resident within the municipality;
- “Noxious weed.”      (f) “Noxious weed” shall mean any plant designated noxious by the regulations;
- “Regulations.”      (g) “Regulations” shall mean regulations made under the authority of this Act;
- “Unorganized townships.”      (h) “Unorganized townships” shall mean townships without municipal organization. R.S.O. 1927, c. 309, s. 1, cls. (*d-h*).

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—<sup>Regulations.</sup>

- (a) prescribing the plants that shall be deemed noxious weeds;
- (b) providing for the appointment or employment of such officials as from time to time may be required for the proper administration of this Act;
- (c) providing for the giving of notice of the provisions of this Act and of the regulations to persons to whom such notice should be given, and the manner of giving the same;
- (d) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 309, s. 2.

4.—(1) The council of any county may, with the consent of the Minister, pass by-laws declaring that plants other than those mentioned in the regulations, for the purposes of this Act shall be deemed noxious weeds within the county. <sup>Declaring certain plants noxious weeds within county.</sup>

(2) Any by-law passed under the authority of subsection 1 shall be published in the *Ontario Gazette* and when so published shall have the same force and effect within the county as if the provisions thereof had been contained in the regulations. 1934, c. 64, s. 2, *part.* <sup>Publication of by-law.</sup>

5. Every occupant of land, or if the land is unoccupied, the owner shall destroy all weeds designated noxious by the regulations as often in every year as is sufficient to prevent the ripening of their seeds. R.S.O. 1927, c. 309, s. 3. <sup>Destruction of weeds.</sup>

6.—(1) The council of every city, town, village and township shall appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of the remuneration, fees or charges he is to receive for the performance of his duties, and if a vacancy occurs in the office, the council shall fill the same forthwith. <sup>Inspector,—appointment of, by council.</sup>

(2) The council may by by-law divide the municipality into sections or divisions for the carrying out of the provisions of this Act and may appoint inspectors for such divisions whose duties and powers shall, in all respects, be the same as those of the township inspector. R.S.O. 1927, c. 309, s. 4. <sup>Division of municipality into sections.</sup>

7.—(1) Where a council neglects or refuses to appoint an inspector as provided in the preceding section the Minister may by writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors. <sup>Inspector,—appointment of by Minister.</sup>

Remuneration, fees, etc.,

(2) Such remuneration, fees and charges shall be paid to the inspector or inspectors upon the order in writing of the Minister addressed to the treasurer of the municipality. R.S.O. 1927, c. 309, s. 5.

Incompetence.

(3) If, in the opinion of the Minister, any inspector appointed pursuant to this section is incompetent or remiss in the discharge of his duties, the Minister may cancel the appointment of such inspector by sending a notice in writing in that behalf to the council of the municipality. (*New*).

Member of council, road superintendent, foreman, not to be inspector.

8. No person shall be appointed or act as an inspector under the provisions of this Act within the corporate limits of a municipality, who is a member of the council of that municipality or who is a township road superintendent or foreman. (*New*).

Consent of Director or district inspector, when required.

9. The powers conferred by this Act upon any inspector to direct the destruction of any grain or forage crop, whether growing or not, or to destroy any such crop, shall not be exercised without first obtaining the consent in writing of the Director or the district inspector. (*New*).

Power of entry.

10. Any inspector appointed under the provisions of this Act may at any time between sunrise and sunset enter upon any land which is within a district for which he is appointed, and enter any building, other than a dwelling house, situated thereon for the purpose of inspecting same, and may inspect any threshing machine, farm machinery or vehicle in order to search for noxious weeds or weed seeds. (*New*).

Account of expense to be kept by inspector.

11.—(1) The inspector shall keep an account of the expense incurred by him in carrying out the provisions of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses, describing the land entered upon, and verified by oath where the amount exceeds \$5 to the owner or occupant of resident land with a notice requiring him to pay the amount.

Railway company.

(a) In the case of a railway company, the statement and notice may be given to a station master of the company resident in the municipality, or if there is no station master therein, to a station master resident in an adjoining or neighbouring municipality, or to the divisional superintendent.

Appeal from cost.

(2) If the owner or occupant deems such expenses excessive he may appeal to the council within fifteen days after the delivery of such statement and the council shall determine the matter in dispute.



(3) If the owner or occupant refuses or neglects to pay such expenses within fifteen days after request for payment, the claim shall be presented to the council and the council shall audit the same and allow it, or so much thereof as may be found properly payable, and order the same to be paid from the general funds of the corporation. Refusal or neglect to pay cost.

(4) The inspector shall also present to the council a similar statement and where the amount exceeds \$5, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident land, and the council shall audit and allow the same, or so much thereof as may be properly payable and shall pay so much of it as has been so allowed. R.S.O. 1927, c. 309, s. 6 (1-4), *amended*. Statement of expenses.

(5) The council shall cause all such sums as have been so allowed and paid to be placed upon the tax roll of the municipality against the land described in the statement of the inspector to be collected in the same manner as other taxes. R.S.O. 1927, c. 309, s. 6 (5). Expenses to be charge against land.

**12.—**(1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any city, town, village or township shall forthwith deliver or send by registered mail, to the treasurer of such city, town, village or township a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice. (*New*). Destruction of weeds in city, town or village.

(2) In case default is made by any city, town, village or township in complying with the requirements of a notice given pursuant to this section, any district inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary, enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds in such manner as the district inspector may deem proper. (*New*). Right of entry.

(3) All expenses incurred by any district inspector in the destruction of noxious weeds or weed seeds pursuant to the provisions of this section shall be payable on demand by the city, town, village or township in respect of which the same were incurred and may be recovered by suit brought in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown; and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the city, town, Expenses,—how payable.

village or township, as the case may be, in respect of such expenditures. (*New*).

Inspector  
to report  
amount  
expended  
to clerk.

**13.**—(1) Notwithstanding the provisions of section 11, in cities and towns where the person appointed as inspector is an officer or servant of the corporation he shall report to the clerk the amount expended by the municipality in carrying out the provisions of this Act with respect to each parcel of land and the clerk shall place on the collectors' roll of the municipality the sum so expended against the respective lands, and such sum shall be collected in the same manner as other taxes, subject to an appeal to the court of revision of the said city or town at any time during the year in which the said sums are placed on the collectors' roll. 1928, c. 51, s. 2.

Application  
of section  
in townships.

(2) The council of any township adjacent to a city or town may by by-law declare that, with respect to the whole township or any defined area or areas in such township, the provisions of this section shall apply as in the case of a city or town. (*New*).

Road  
authority,—  
duty of as  
to cutting  
weeds.

**14.**—(1) It shall be the duty of every road authority to see that all weeds growing upon streets or highways under its jurisdiction are cut down or destroyed at the proper time to prevent the ripening of their seed, and to appoint such officers as may be necessary for that purpose.

"Road  
authority,"—  
meaning of.

(a) In this section "road authority" shall have the same meaning as in *The Highway Improvement Act*.

Default  
of road  
authority.

(2) Upon the report of the Minister of Agriculture that any road authority is in default in the duty imposed upon it by subsection 1, the Lieutenant-Governor in Council may direct that any sums of money payable out of the Consolidated Revenue Fund in respect of roads under the jurisdiction of such road authority under *The Highway Improvement Act* or any other Act relating to highways shall be withheld until it is shown to the satisfaction of the Minister of Highways that the road authority has carried out the duty so imposed.

Cost of  
weed  
cutting,—  
how to be  
met.

(3) The council of a local municipality may by by-law provide that thereafter the annual cost of cutting down or destroying noxious weeds on any highway under the control of the municipality, but which has not been assumed by the corporation, shall be specially assessed upon the lands abutting directly on such highway.

Destruction  
of weeds  
not to be  
deemed  
assumption  
of highway.

(4) Neither the passing of a by-law under subsection 3, nor the expenditure of public money for cutting down or destroying noxious weeds upon a highway shall be an assumption of such highway for public use by the municipal



corporation having control of such highway so as to render such corporation liable for repair or for damages resulting from non-repair within the meaning of *The Municipal Act*, 1928, c. 51, s. 3.

15. It shall be the duty of every railway company to prevent noxious weeds from growing upon any land owned or occupied by it for the purposes of, or in connection with its railway undertakings. (New). Railway company, — duty of.

16. For the purposes of this Act, every occupant of land shall be responsible for all noxious weeds growing to the low water mark of any river, stream, lake or other body of water. (New). Occupant of land to be responsible.

17. No person shall deposit or permit to be deposited any noxious weeds or weed seeds on any road, road allowance, highway, street or lane or in any river, stream, lake or body of water. (New). Depositing noxious weeds on road prohibited.

18. Every person in possession or charge of any machine used for threshing shall, before removing such machine, or any equipment used in connection therewith, to another farm, or before travelling upon any public roadway, clean or cause the same to be cleaned thoroughly both inside and out, by the removal of all seeds and other crop refuse. Threshing machine, — cleaning of

19.—(1) Every person, firm or company owning or operating a threshing machine or separator, or causing the same to be operated for hire, shall each year before commencing operations, register such threshing machine or separator with the Minister and shall procure a certificate of registration as in Form A in the schedule hereto. Registration of threshing machine.

(2) Such registration certificate shall be kept posted in a conspicuous place upon the machine or separator by the owner or operator during the whole of the threshing season. Posting of registration certificate.

(3) (a) The fee for registration shall be \$1.00, but in case of a machine not used for hire there shall be no fee; Fees.

(b) Notice of any transfer or change of ownership of any machine registered under this Act shall be promptly forwarded to the Minister. Transfer of ownership.

(4) Failure to comply with the provisions of this section shall be an offence and the offender shall be liable to a penalty of not less than \$10 nor more than \$25. (New). Penalty.

Refuse.

**20.** Every person responsible for the operation of a grain elevator, grist mill, flour mill, seed cleaning plant or other grain cleaning or grinding machinery shall dispose of all refuse, containing weed seeds, in such a manner that such weed seeds do not create a weed menace to neighbouring or other property. (*New*).

Un-organized territory.

**21.** In unorganized territory where road commissioners have been appointed under *The Statute Labour Act* such commissioners shall for the purposes of this Act have the powers and perform the duties of an inspector, and all the provisions of this Act and the regulations shall apply in the same manner as in the case of an unorganized municipality except that any sums payable by any person liable for expenses incurred or remuneration paid in carrying out the provisions of this Act shall be collectible in the manner provided in *The Statute Labour Act* with respect to the enforcement of the payment of charges for statute labour or commutation thereof. (*New*).

District inspectors.

**22.** In any unorganized territory or division thereof, the Minister may appoint inspectors where he deems it necessary for the better carrying out of the provisions of this Act. (*New*).

Penalty, refusal or neglect.

**23.** Any person who contravenes any of the provisions of this Act or refuses or neglects to obey any lawful order of an inspector given under the authority of this Act, shall incur a penalty of not less than \$10 nor more than \$50 for every such offence. R.S.O. 1927, c. 309, s. 8.

Penalty,—obstructing inspector.

**24.** Any person interfering with or obstructing any inspector in the performance of his duties under this Act shall incur a penalty not exceeding \$50. (*New*).

Recovery of penalties.

**25.** The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. R.S.O. 1927, c. 309, s. 9.

Rev. Stat., c. 309, 1928, c. 51; 1934, c. 64, repealed.

**26.** *The Weed Control Act*, being chapter 309 of the Revised Statutes of Ontario, 1927, *The Weed Control Act*, 1928, and *The Weed Control Act*, 1934, are repealed.

Commencement of Act.

**27.** This Act shall come into force on the day upon which it receives the Royal Assent.

## FORM A

THE WEED CONTROL ACT, 1935

(Section 19)

PROVINCE OF ONTARIO

DEPARTMENT OF AGRICULTURE

Registration Certificate of Threshing Machine No.

THIS IS TO CERTIFY THAT.....  
 of.....  
 has duly registered his threshing machine in accordance with the pro-  
 visions of section .....of *The Weed Control Act, 1935*.

Dated at Toronto, Ontario, }  
 this.....day of.....  
 .....19... }

.....  
*Minister of Agriculture.*







BILL

An Act respecting Noxious Weeds.

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*1st Reading*

April 8th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 16th, 1935

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MR. MARSHALL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act for Raising Money on the Credit of the Consolidated  
Revenue Fund.

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MR. HEPBURN

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No. 108

1935

# BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Ontario Loan Act, 1935*.

Loan of  
\$60,000,000  
authorized.

**2.** The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole sixty million dollars (\$60,000,000).

Terms to be  
fixed by  
Lieutenant-  
Governor.

**3.** The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking  
Fund.

**4.** The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.

Rev. Stat.  
c. 23.

Commence-  
ment of  
Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

This is the annual Bill for raising moneys for the Consolidated Revenue Fund to the amount stated in the Bill, with a proviso that the amount outstanding at any time is not to exceed the maximum of the borrowing authority conferred.

BILL

An Act for Raising Money on the Credit  
of the Consolidated Revenue Fund.

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*1st Reading*

April 9th, 1935

*2nd Reading*

*3rd Reading*

---

MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

---

# BILL

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Sinking  
Fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 3 of *The Provincial Loans Act*.

Rev. Stat.  
c. 23.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act for Raising Money on the Credit  
of the Consolidated Revenue Fund.

---

*1st Reading*

April 9th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Corporations Tax Act.

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MR. HEPBURN

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# BILL

## An Act to amend The Corporations Tax Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Corporations Tax Amendment Act, 1935*.

Rev. Stat.,  
c. 29, s. 1,  
cl. 1 (1930,  
c. 6, s. 2),  
amended.

2. The clause lettered *l* in section 1 of *The Corporations Tax Act* as enacted by section 2 of *The Corporations Tax Act, 1930*, is repealed and the following substituted therefor:

Definition  
of incor-  
porated  
company.

(*l*) An incorporated company shall include corporations and associations however or wherever incorporated and where any such corporation or association is placed in the hands of or under the control of an agent, assignee, trustee, liquidator, receiver or other officials shall include such agent, assignee, trustee, liquidator, receiver or other officials.

Rev. Stat.,  
c. 29, s. 3,  
subs. 1,  
repealed.

3.—(1) Subsection 1 of section 3 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Taxes  
payable by  
companies.

(1) Every company or incorporated company, not including a municipal corporation, having its head office or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, whether under its own name or through an agent or otherwise shall annually pay to His Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner hereinafter provided.

Rev. Stat.,  
c. 29, s. 3,  
subs. 8,  
and 9,  
repealed.

(2) Subsections 8 and 9 of the said section 3 are repealed.

Rev. Stat.,  
c. 29, s. 3,  
subs. 22  
(1930,  
c. 6, s. 3),  
repealed.

(3) Subsection 22 of the said section 3 as enacted by section 3 of *The Corporations Tax Act, 1930*, is repealed.

Rev. Stat.,  
c. 29, s. 3,  
subs. 23,  
cls. *a*, *c* and  
(1932, c. 8,  
s. 2, subs. 9),  
repealed.

(4) The clauses lettered *a*, *c* and *d* in subsection 23 of the said section 3 as enacted by subsection 9 of section 2 of *The Corporations Tax Act, 1932*, are repealed and the following substituted therefor:

#### EXPLANATORY NOTES

Section 2. It is deemed necessary to define incorporated companies in this manner in order that taxes may be collected when the affairs of the company are being carried on by a trustee or liquidator.

Section 3.—(1) The principal purpose of this amendment is to assure that companies which merely hold assets in Ontario are carrying on business in Ontario and liable to the tax.

(2) At the present time there are only three Street Railways operated as private enterprises in the Province, namely—International Transit Company (Niagara Falls); London Street Railway; and Ottawa Electric Railway Company; and it is deemed more equitable to tax them in the same manner as other corporations, that is, on capital and net revenue. It is anticipated that this will make no material change in the amount of the tax.

(3) There appears to be no necessity for taxing finance companies in a different manner from other corporations.

(4) The principal purpose of this amendment is to assure that companies which merely hold assets in Ontario are carrying on business in Ontario and liable to the tax and to provide in the Act for certain exemptions which were formerly allowed by regulation.

Incorporated  
companies,—  
Tax on  
capital.

- (a) Save as in this subsection otherwise provided every incorporated company having its head or other office in Ontario or which holds assets in Ontario, or which transacts business in Ontario, whether under its own name or through an agent or otherwise shall pay a tax of one-tenth of one per centum upon the paid-up capital thereof.
- (c) Provided further that the tax imposed by this subsection shall not apply—
  - (i) to any mine, plant or works the profits of which are liable to taxation under *The Mining Tax Act*;
  - (ii) to any milling, smelting, refining or reduction plant owned by the owner of the mine and used for processing of such mine's ores unless and until such mine is assessed for a tax under *The Mining Tax Act*;
  - (iii) to any capital *bona fide* held or used in the survey for exploration of and development of gold, silver, copper, nickel or other precious or semi-precious metals;
  - (iv) to any company maintaining a head office and/or executive office in Ontario but whose business and assets are carried on and situated entirely outside of the Province of Ontario;
  - (v) to any company which maintains a head office and/or executive office in the Province of Ontario but whose assets consist wholly of shares or obligations of other companies or corporations;
  - (vi) to any company whose affairs are in the hands of a liquidator, receiver or trustee and the assets of which, in the opinion of the Treasurer are insufficient to meet its liabilities;
  - (vii) to any company, which in the opinion of the Treasurer, has not commenced to do business or, which in the opinion of the Treasurer, has ceased to do business;
  - (viii) to any association incorporated without share capital;





- (ix) to any company, which in the opinion of the Treasurer, was incorporated for the purpose of drainage, agriculture or colonization in Ontario;
  - (x) to any company, which in the opinion of the Treasurer, was incorporated for religious, charitable, philanthropic, social or educational purposes and which is not, in the opinion of the Treasurer, carried on for the purpose of gain;
  - (xi) to any telephone company having a capital of less than \$100,000;
  - (xii) to any company organized on a co-operative basis;
  - (xiii) to any Company, which in the opinion of the Treasurer, was incorporated for the purpose of conducting a community hall, community rink, community cemetery, amateur athletic club or social club;
  - (xiv) to any company, which in the opinion of the Treasurer, was incorporated for the purpose of holding buildings or other assets of fraternal organizations provided such buildings are not, in the opinion of the Treasurer, operated for the purpose of gain;
  - (xv) to any transportation company having its head office and business outside of Ontario, and which in the opinion of the Treasurer, maintains an office in Ontario only for the purpose of soliciting business for its system outside of Ontario provided that, in the opinion of the Treasurer, it does not sell transportation at its Ontario office;
  - (xvi) to corporations paying tax under subsection 12 of this section upon their entire capital except as to any portion of capital not so taxed under the said subsection;
  - (xvii) to corporations paying taxes under subsections 2, 3, 4, 5, 6, 10, 11, 13, 14 and 15 of this section.
- (d) In this subsection the words "paid-up capital" shall mean and include the paid-up capital stock of the incorporated company, its surplus and reserve funds



This amendment provides for including in the capital of a company for the purpose of taxation money raised by mortgages or bond issues, etc.

(except any reserve the creation of which is allowed as a charge against revenue under subsection 3 of section 3*a* of this Act) all sums or credits advanced or loaned to the incorporated company by any other company (not including any Bank), and all sums borrowed by the incorporated company by the issue of bonds, bond mortgages, debentures, mortgages or other like securities, provided that with respect to goodwill included as an asset, a deduction may be allowed to the extent that such goodwill, in the opinion of the Treasurer, has no value.

Rev. Stat.,  
o. 29, s. 3,  
subs. 24  
(1932, c. 8,  
s. 2, subs. 9)  
repealed.

Office tax. (5) Subsection 24 of the said section 3 as enacted by subsection 9 of section 2 of *The Corporations Tax Act, 1932*, is repealed and the following substituted therefor:

- (24) (a) Save as in this subsection otherwise provided every incorporated company having its head or other office in Ontario or which transacts business in Ontario whether under its own name or through an agent or otherwise shall pay a tax of \$50 for each office or place of business in Ontario; and every incorporated company which holds assets in Ontario but has no designated office or place of business, shall, in addition to all other taxes for which it may be liable, pay a tax of \$50.
- (b) Provided that the combined tax payable under this subsection and under subsection 23 of this section by a company having a paid-up capital of less than \$50,000 shall in no case be less than \$20 and subject to such minimum tax, the tax imposed in this subsection for each office or place of business shall be one-tenth of one per centum of the paid-up capital as defined in clause *d* of subsection 23.
- (c) Provided further that the provisions of this subsection shall not apply to corporations paying taxes under subsections 2, 3, 6, 10, 11, 13, 14, or 15 of this section.
- (d) Provided further that the provisions of this subsection shall not apply to any association incorporated without share capital.
- (e) Provided further that the following companies shall, in lieu of the tax imposed by this subsection, pay a tax of \$20.
  - (i) A mining company which, in the opinion of the Treasurer, is not developing its properties;
  - (ii) Any company whose charter has not been surrendered and whose nominal head office is desig-

(5) The principal purpose of this amendment is to assure that companies which merely hold assets in Ontario are carrying on business in Ontario, and liable to the tax.

This provides for a reduction from \$60,000 to \$50,000 of the maximum capital of a company entitled to minimum tax.

These clauses provide for special taxes which were formerly provided for by regulation on places of business in the cases of certain companies.

nated as being in Ontario and which in the opinion of the Treasurer has not commenced to do business or has ceased to do business and is entirely without assets.

- (f) Provided further that in lieu of the tax imposed by this subsection the following companies having a capital of less than \$20,000 shall pay a tax of \$5; having a capital of \$20,000 or over and less than \$40,000 shall pay a tax of \$10; having a capital of \$40,000 or over and less than \$60,000 shall pay a tax of \$15; having a capital of \$60,000 or over and less than \$80,000 shall pay a tax of \$25; having a capital of \$80,000 or over shall pay a tax of \$50,—
  - (i) Any company, which in the opinion of the Treasurer, was incorporated for the purpose of drainage, agriculture or colonization in Ontario;
  - (ii) Any company which, in the opinion of the Treasurer, was incorporated for religious, charitable, philanthropic, social or educational purposes and which is not, in the opinion of the Treasurer, carried on for the purpose of gain;
  - (iii) Any telephone company having a capital of less than \$100,000;
  - (iv) Any company organized on a co-operative basis;
  - (v) Any company which, in the opinion of the Treasurer, was incorporated for the purpose of conducting a community hall, community rink, community cemetery, amateur athletic club or social club;
  - (vi) Any company which, in the opinion of the Treasurer, was incorporated for the purpose of holding buildings or other assets of fraternal organizations provided such buildings are not, in the opinion of the Treasurer, operated for the purpose of gain.

Rev. Stat.,  
c. 29, s. 3a  
(1932,  
c. 8, s. 3),  
repealed.

4. Section 3a of *The Corporations Tax Act* as enacted by section 3 of *The Corporations Tax Act, 1932*, is repealed and the following substituted therefor:

Section 4. This amendment does not change in any way the amount of the tax. The purpose of this amendment is to more clearly indicate what is included in net revenue.



**Tax on Net Revenue.**

3a.—(1) In addition to the taxes specified in section 3 every incorporated company having its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario whether under its own name or through an agent or otherwise shall pay a tax of one per centum calculated on the net revenue of the company.

**Net revenue defined.**

(2) For the purposes of this section, net revenue means the annual net profit or gain of an incorporated company including profits directly or indirectly received from any trade, manufacture, or from commercial, financial or other business whether derived from a source within Ontario or elsewhere; and shall include interest, dividends and profits directly or indirectly received from money at interest upon any security or without security or from stocks or any other investment and also the annual net profit or gain from any other source including,—

(a) The income from, but not the proceeds of, life insurance policies paid upon the death of the person insured;

(b) Rents, royalties and other like periodical receipts which depend upon the production or use of any real property of an incorporated company notwithstanding that the same are payable on account of the use or sale of any such property.

**Exemptions and deductions.**

(3) Net revenue as defined in the last preceding subsection shall, for the purposes of this Act, be subject to the following exemptions and deductions,—

**Depreciation.**

(a) Such reasonable amount as the Treasurer may allow for depreciation;

**Dividends.**

(b) Dividends received from Canadian corporations where such corporations are taxable under this Act, and dividends received from Canadian corporations paying taxes under Provincial Corporations Tax or Provincial Income Tax Acts of other provinces where such provinces allow a similar exemption in respect of taxes paid under this Act;

**Interest.**

(c) Interest on funds borrowed by the incorporated company, but the rate allowed hereunder shall not in any case exceed the rate determined by the Treasurer;



## Donations.

- (d) Not more than ten per centum of the net revenue of any incorporated company which has actually been paid by way of a donation within the taxation period to, and receipted for as such by, any charitable organization in Canada, operated exclusively as such and not operated for the benefit or private gain or profit of any person, member or shareholder thereof.

## Deduction not allowed

- (4) In computing the amount of the net revenue of any incorporated company a deduction shall not be allowed in respect of,—

## Expenses not laid out to earn income.

- (a) Disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purposes of earning the revenue;

## Capital outlay or losses, etc.

- (b) Any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this section;

## Reserves, contingent accounts or sinking funds.

- (c) Amounts transferred or credited to a reserve, contingent account or sinking fund, except such an amount for bad debts as the Treasurer may allow, and except as otherwise provided in this section;

## Carrying charges.

- (d) Carrying charges or expenses on an unproductive property or assets not acquired for the purposes of the trade, manufacture or business of the incorporated company, or of a liability not incurred in connection with the trade, manufacture or business of the incorporated company;

## Limitations of certain expenses charged against profits.

- (e) The whole or any portion of any salary, bonus, commission or directors' fee which the Treasurer may consider in his opinion in excess of what is reasonable for the services performed;

## Income taxes.

- (f) The amount of tax paid on account of net revenue to the Dominion of Canada or to any jurisdiction including Ontario.

## Proviso.

- (5) Provided that the provisions of this section shall not apply to corporations paying taxes under subsections 2, 3, 5, 6, 11, 13, 14, or 15 of section 3.



Provided further that the provisions of this section shall not apply to electric companies paying taxes under subsection 12 of section 3.

- (6) Provided further that the provisions of this section shall not apply—
- (a) to any company maintaining a head office and/or executive office in Ontario but whose business is carried on and situated entirely outside of the Province of Ontario and whose assets (other than investments in Dominion, Provincial and Canadian Municipal Bonds) are situated entirely outside of Ontario;
  - (b) to any company maintaining a head office and/or executive office in Ontario but whose assets consist of shares or obligations of subsidiary corporations whose business and assets are situated entirely outside of Ontario;
  - (c) to any company incorporated for religious, charitable, philanthropic, social or educational purposes but which in the opinion of the Treasurer, is not carried on for the purpose of gain;
  - (d) to any company whose affairs are in the hands of a liquidator, receiver or trustee, the assets of which are, in the opinion of the Treasurer, insufficient to meet its liabilities;
  - (e) to any association incorporated without share capital;
  - (f) to any company, which in the opinion of the Treasurer, was incorporated for the purpose of conducting a community hall, community rink, community cemetery, amateur athletic club or social club;
  - (g) to any transportation company with its head office and transportation system outside of Ontario;
  - (h) to any company whose gross revenue from investments in Dominion, Provincial or Municipal Debentures or in shares, bonds or other



(6) These clauses provide for exemptions from tax on revenue which were formerly provided for by regulation.

obligations of other companies is not less than ninety-five per centum of its total gross revenue.

Rev. Stat.,  
c. 29, s. 5,  
repealed.

5. Section 5 of *The Corporations Tax Act* is repealed and the following substituted therefor:

How tax  
to be  
determined.

5. Unless otherwise provided in this Act, the tax imposed by this Act shall be determined upon the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of the tax is to be ascertained as the same stood at the end of the fiscal year of the company next preceding the year for which the tax is imposed, provided that in reference to the number of places of business the number shall be the maximum number opened during the fiscal year next preceding the year for which the tax is imposed.

Rev. Stat.,  
c. 29, s. 7,  
repealed.

6. Section 7 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Company  
to file  
annual  
return.

7.—(1) Every company or incorporated company on which a tax is imposed by this Act shall on or before the 30th day of June in each year, without notice or demand, and any company or incorporated company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of the province of Ontario authorized to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purpose of carrying out the provisions of this Act.

Verification  
of returns.

(2) The return and the certificate contained therein that the financial statements attached thereto are in agreement with the books of the company shall be verified by the signature of the president, or other officer having personal knowledge of the affairs of the company, and in the case of extra-provincial companies of the manager or chief agent of the company in Ontario, or of such other person or persons connected with the company as the Treasurer may require.

Rev. Stat.,  
c. 29, s. 8,  
repealed.

7. Section 8 of *The Corporations Tax Act* as amended by section 2 of *The Corporations Tax Act, 1933*, is repealed and the following substituted therefor:

Section 5. This amendment fixes the date as of which the tax is to be determined at the close of the company's fiscal year instead of the close of the calendar year.

Section 6. Section 6 of this Bill amends and takes the place of section 8 of the Act while Section 7 of this Bill amends and takes the place of section 7 of this Act. The purpose of the amendments is to require the taxpayer to estimate the tax and to remit the same when the return is made.

Taxes,—  
when to  
accrue.

- 8.—(1) The taxes imposed by this Act shall be deemed to be due on the 1st day of January of the year in which they are imposed and shall be payable on or before the 30th day of June in such year.

Tax to be  
forwarded  
with  
return.

- (2) Every company or incorporated company on which a tax is imposed by this Act shall send with the return required by this Act the amount of the tax payable, as estimated by the company on the return and in default of payment on the 30th day of June as aforesaid a penalty of five per centum of the amount of the tax payable shall be added thereto and thereafter a further penalty of one per centum per month shall be added for each additional month or portion thereof during which the said tax and penalty remain unpaid.

Recovery of  
penalties,  
Rev. Stat.,  
c. 121.

- (3) The penalties imposed by this section shall be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer of Ontario.

Rev. Stat.,  
c. 29, s. 9,  
repealed.

8. Section 9 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Penalty for  
not making  
return.

- 9.—(1) For every default in complying with the provisions of section 7 of this Act, the company, the president and the directors of every company and any person acting as a representative of an extra-provincial company shall jointly and severally be liable to a penalty of \$20 for each day of such default.

Penalty  
for false  
statement.

- (2) For any false statement contained in any return made by any company or incorporated company or in any information required by the Treasurer from any company or incorporated company, the company or incorporated company shall be liable to a penalty not exceeding \$10,000.

Recovery of  
penalties,  
Rev. Stat.,  
c. 121.

- (3) The penalties imposed by this section shall be recovered in the manner provided by *The Summary Convictions Act*, and shall be payable to the Treasurer of Ontario.

Rev. Stat.,  
c. 29, s. 11,  
repealed.

9. Section 11 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Returns  
examined.

- 11.—(1) The returns received by the Treasurer shall with all possible despatch be checked and examined.

Requisition  
by Treasurer  
for further  
information.

- (2) If the Treasurer, in order to enable him to determine whether a return furnished is correct, desires further

Section 8. This section provides penalties for not filing returns and for false returns,

Section 9. This section is considered an improvement on the present machinery for collecting Corporations Tax.

This subsection is the same as subsection 1 in the Act.



information, he may, by registered letter addressed to the president, manager, secretary or agent of the company, require a further return to be furnished under oath within thirty days.

Commission  
of enquiry.

- (3) If the required information is not furnished to the satisfaction of the Treasurer, the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners appointed under *The Public Inquiries Act*, and the determination of the commissioner or commissioners, after having given all persons concerned an opportunity to be heard, shall, for the purposes of this Act, be final as to the particulars mentioned in the report, but the Lieutenant-Governor in Council may for cause vary the report; but the findings of the commissioner or commissioners shall not be varied so that the amount of the tax payable by the company shall be increased without giving the company an opportunity of being heard.

Cost of  
commission.

- (4) If the inquiry is occasioned by failure to furnish the information required by the Treasurer, subject to the next succeeding subsection, the company shall pay the costs of the inquiry, but if the return is found to be correct and the required information appears to have been duly furnished, the Treasurer may direct the costs or such of them as were necessary to be paid by Ontario.

Additional  
tax where  
amount  
understated.

- (5) If the commissioner or commissioners find that the return understates the amount upon which the tax should be paid, the company, besides paying the costs of the inquiry, shall pay the tax based on the amount as found by the commissioner or commissioners with fifty per centum added to the tax, unless the Lieutenant-Governor in Council shall otherwise direct.

Taxation  
of costs.

- (6) The costs of the commission may be fixed and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of a tax.

Who to tax  
costs.

- (7) If the Treasurer directs the costs to be taxed the same shall be taxed by a taxing officer of the Supreme Court.

When under  
statement  
of amount  
made in  
good faith.

- (8) If the commissioner or commissioners find that the return understates the amount on which the tax

This subsection is the same as subsection 2 in the Act.

This subsection is the same as subsection 3 in the Act.

This subsection is the same as subsection 4 in the Act.

This subsection is the same as subsection 5 in the Act.

This subsection is the same as subsection 6 in the Act.

This subsection is the same as subsection 7 in the Act.

should be paid, but also certify that such understatement was not made with intent to decrease the amount of the tax to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may, upon the recommendation of the Treasurer, remit so much of the added percentage and so much of the costs as to him may seem meet.

Books or  
accounts  
must be  
kept.

- (9) If any company or incorporated company fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax payable under this Act, the Treasurer may require such company to keep such records and accounts as he may prescribe.

Treasurer  
not bound  
by returns.

- (10) Any return or information supplied by or on behalf of any company or incorporated company shall not be binding upon the Treasurer, and notwithstanding such return or information, or if no return has been made, the Treasurer may determine the amount of the tax to be paid by any company or incorporated company.

Notice of  
assessment.

- (11) After examination of the return of the company or incorporated company, the Treasurer shall send a notice of assessment to the company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, together with interest on such additional tax at the rate of six per centum per annum calculated from the last day prescribed for making such return.

Payment of  
additional  
tax.

- (12) If any company or incorporated company fails to pay such additional tax and interest, within one month from the date of the mailing of the notice of assessment aforesaid, the company shall pay in addition to the penalty provided by section 8 of this Act, a penalty of one per centum per month upon the said additional tax, for each month or portion thereof from the expiry of the period of one month from the date of the mailing of the said notice during which the said additional tax and interest remain unpaid.

Penalty for  
non-  
payment  
of  
additional  
tax.

Refund.

- (13) (a) The Treasurer may refund at or prior to the issue of the notice of assessment, or after the issue of the notice of assessment, provided application in writing is made therefor by the taxpayer within six months

This subsection is self-explanatory.

This subsection permits the Treasurer to determine the tax where no return has been made.

This subsection is self-explanatory.

This subsection provides for interest upon additional tax which may be payable.

This subsection provides for refund of over-payment of taxes together with interest thereon.



from the date of the payment of the tax or the date on which the notice of the assessment was issued, any overpayment of tax or penalties made by the company or incorporated company.

Interest on  
refund.

- (b) A refund of tax made in accordance with the preceding clause may be paid with interest at the rate of four per centum per annum thereon calculated from four months after the time the tax first became overpaid; provided that no interest will be paid where the refund of tax made is less than \$50.

Continuation  
of  
liability  
for tax.

- (14) Notwithstanding any prior assessment or if no assessment has been made the company or incorporated company shall continue to be liable for any tax and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any company or incorporated company for tax and penalties.

Rev. Stat.,  
c. 29, s. 12,  
subs. 1  
(1933,  
c. 10, s. 3),  
amended.

**10.—**(1) Subsection 1 of section 12 of *The Corporations Tax Act* as enacted by *The Corporations Tax Act, 1933*, is amended by inserting the words "syndicate units" after the word "including" in the ninth line thereof and by inserting the words "to a broker" after the word "given" in the thirteenth line thereof so that the first sixteen lines of the said subsection shall now read as follows:

Transfer  
tax.

- (1) Upon every change of ownership consequent upon the sale, transfer or assignment of any share of stock of any association, company or corporation or of any bond, debenture or share of debenture stock made or carried into effect in Ontario, or of any participating interest in the operations or profits of any association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned including syndicate units, mineral deeds, oil royalties and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities, and upon every order given to a broker in Ontario for the sale, transfer or assignment of any such securities when the order is to be executed outside Ontario, there shall be imposed, levied and collected a tax as follows:

Rev. Stat.,  
c. 29, s. 12,  
subs. 1  
(1933,  
c. 10, s. 3),  
amended.

(2) Subsection 1 of the said section 12 as enacted by *The Corporations Tax Act, 1933*, is further amended by adding thereto the following clause:

- (i) Three cents for every one hundred dollars or fraction thereof of the value of every syndicate unit, mineral deed and oil royalty.



This subsection allows the Treasurer to make additional assessments where required.

Section 10.—(1) Section 12 of the Act appears to include syndicate units, but for the purpose of clarifying the meaning of the section it is thought advisable to add the words "syndicate units," and to restrict the tax on orders for sale given in Ontario to such orders given through a broker in Ontario.

(2) This provides the basis for the tax on transfer of a syndicate unit and similar securities.

Rev. Stat.,  
c. 29, s. 12,  
subs. 4  
(1933,  
c. 10, s. 3),  
amended.

(3) Subsection 4 of the said section 12 as enacted by *The Corporations Tax Act, 1933*, is amended by inserting the words "or cash" after the word "stamps" in the first line and by adding at the end thereof the words "and may impose penalties for breach of any of such regulations" so that the said subsection shall now read as follows:

- (4) The said tax shall be payable in tax stamps or cash by the vendor, transferor or assignor, and the Lieutenant-Governor in Council may make regulations prescribing in any case or class of cases the manner in which and the person by whom the amount of such tax shall be computed and collected for and on behalf of His Majesty, and may impose penalties for breach of any of such regulations.

Rev. Stat.,  
c. 29, s. 12,  
subs. 10,  
(1933,  
c. 10, s. 3),  
repealed.

(4) Subsection 10 of the said section 12 as enacted by *The Corporations Tax Act, 1933*, is repealed and the following substituted therefor:

Penalty.

- (10) (a) Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this section, or who violates any of the provisions of this section for which no other penalty is provided, or any regulations made thereunder, shall be liable for each such violation to a penalty of not less than the amount of the tax due and not exceeding the total of the amount of the tax due and \$500.

Recovery of  
penalties.

- (b) The penalties imposed by this subsection shall be recovered in the manner provided by *The Summary Convictions Act*, and shall be payable to the Treasurer of Ontario.

Rev. Stat.,  
c. 121.

Rev. Stat.,  
c. 29, s. 13,  
subs. 4,  
amended.

**11.** Subsection 4 of section 13 of *The Corporations Tax Act* is amended by striking out all the words after the word "penalty" in the sixth line and inserting in lieu thereof the words "and such penalties shall be recovered in the manner provided by *The Summary Convictions Act*, and shall be payable to the Treasurer of Ontario," so that the said subsection shall now read as follows:

Recovery of  
penalties.

- (4) If a corporation or company makes default in complying with the provisions of this section, the corporation or company shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the corporation or company who wilfully authorizes or permits such default shall incur the like penalty, and such penalties shall be recovered in the manner provided by *The Summary Convictions Act*, and shall be payable to the Treasurer of Ontario.

Rev. Stat.,  
c. 121.

(3) This amendment is to permit of the collection of the Stock Transfer Tax in cash as well as in stamps.

#### Section 11.

Rev. Stat.,  
c. 29, s. 14,  
subs. 3,  
repealed.

**12.** Subsection 3 of section 14 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Recovery of  
penalties.  
Rev. Stat.,  
c. 121.

- (3) The penalties imposed by this section shall be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer of Ontario.

Rev. Stat.,  
c. 29, s. 18,  
(1932, c. 8,  
s. 5)  
amended.

**13.** Section 18 of *The Corporations Tax Act* as enacted by section 5 of *The Corporations Tax Act, 1932*, is amended by adding thereto the following clause:

- (g) authorizing the assistant treasurer or other officer of the Treasury Department to exercise such of the powers conferred by this Act upon the Treasurer as may be deemed more conveniently exercised by such officer.

Rev. Stat.,  
c. 29, s. 22,  
repealed.

**14.** Section 22 of *The Corporations Tax Act* is repealed.

Commence-  
ment of  
Act.

**15.** This Act shall come into force on the day upon which it receives the Royal Assent and shall take effect as from the 1st day of January, 1935.

Section 12.

Section 14. Section 22 will not be necessary by reason of the previous amendments.

Section 15. Section 7 of the Act provides that Corporations Taxes are due on the first day of January of the year in which they are imposed. It is therefore necessary that these amendments should take effect as from the first of January of this year.



BILL

An Act to amend The Corporations Tax  
Act.

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*1st Reading*

April 9th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Corporations Tax Act.

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MR. HEPBURN

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No. 109

1935

# BILL

## An Act to amend The Corporations Tax Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Corporations Tax Amendment Act, 1935*.

Rev. Stat.,  
c. 29, s. 1,  
cl. 1 (1930,  
c. 6, s. 2),  
amended.

**2.** The clause lettered *l* in section 1 of *The Corporations Tax Act* as enacted by section 2 of *The Corporations Tax Act, 1930*, is repealed and the following substituted therefor:

Definition  
of incor-  
porated  
company.

(*l*) An incorporated company shall include corporations and associations however or wherever incorporated and where any such corporation or association is placed in the hands of or under the control of an agent, assignee, trustee, liquidator, receiver or other officials shall include such agent, assignee, trustee, liquidator, receiver or other officials.

Rev. Stat.,  
c. 29, s. 3,  
subs. 1,  
repealed.

**3.**—(1) Subsection 1 of section 3 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Taxes  
payable by  
companies.

(1) Every company or incorporated company, not including a municipal corporation, having its head office or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, whether under its own name or through an agent or otherwise shall annually pay to His Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner hereinafter provided.

Rev. Stat.,  
c. 29, s. 3,  
subss. 8  
and 9,  
repealed.

(2) Subsections 8 and 9 of the said section 3 are repealed.

Rev. Stat.,  
c. 29, s. 3,  
subs. 22  
(1930,  
c. 6, s. 3),  
repealed.

(3) Subsection 22 of the said section 3 as enacted by section 3 of *The Corporations Tax Act, 1930*, is repealed.

Rev. Stat.,  
c. 29, s. 3,  
subs. 23,  
cls. *a*, *c* and *d*  
(1932, c. 8,  
s. 2, subs. 9),  
repealed.

(4) The clauses lettered *a*, *c* and *d* in subsection 23 of the said section 3 as enacted by subsection 9 of section 2 of *The Corporations Tax Act, 1932*, are repealed and the following substituted therefor:

- (a) Save as in this subsection otherwise provided every <sup>Incorporated companies,—  
Tax on capital.</sup> incorporated company having its head or other office in Ontario or which holds assets in Ontario, or which transacts business in Ontario, whether under its own name or through an agent or otherwise shall pay a tax of one-tenth of one per centum upon the paid-up capital thereof.
- (c) Provided further that the tax imposed by this subsection shall not apply—
- (i) to any mine, plant or works the profits of which are liable to taxation under *The Mining Tax Act*;
  - (ii) to any milling, smelting, refining or reduction plant owned by the owner of the mine and used for processing of such mine's ores unless and until such mine is assessed for a tax under *The Mining Tax Act*;
  - (iii) to any capital *bona fide* held or used in the survey for exploration of and development of gold, silver, copper, nickel or other precious or semi-precious metals;
  - (iv) to any company maintaining a head office and/or executive office in Ontario but whose business and assets are carried on and situated entirely outside of the Province of Ontario;
  - (v) to any company which maintains a head office and/or executive office in the Province of Ontario but whose assets consist wholly of shares or obligations of other companies or corporations;
  - (vi) to any company whose affairs are in the hands of a liquidator, receiver or trustee and the assets of which, in the opinion of the Treasurer are insufficient to meet its liabilities;
  - (vii) to any company, which in the opinion of the Treasurer, has not commenced to do business or, which in the opinion of the Treasurer, has ceased to do business;
  - (viii) to any association incorporated without share capital;

- (ix) to any company, which in the opinion of the Treasurer, was incorporated for the purpose of drainage, agriculture or colonization in Ontario;
- (x) to any company, which in the opinion of the Treasurer, was incorporated for religious, charitable, philanthropic, social or educational purposes and which is not, in the opinion of the Treasurer, carried on for the purpose of gain;
- (xi) to any telephone company having a capital of less than \$100,000;
- (xii) to any company organized on a co-operative basis;
- (xiii) to any Company, which in the opinion of the Treasurer, was incorporated for the purpose of conducting a community hall, community rink, community cemetery, amateur athletic club or social club;
- (xiv) to any company, which in the opinion of the Treasurer, was incorporated for the purpose of holding buildings or other assets of fraternal organizations provided such buildings are not, in the opinion of the Treasurer, operated for the purpose of gain;
- (xv) to any transportation company having its head office and business outside of Ontario, and which in the opinion of the Treasurer, maintains an office in Ontario only for the purpose of soliciting business for its system outside of Ontario provided that, in the opinion of the Treasurer, it does not sell transportation at its Ontario office;
- (xvi) to goodwill included as an asset to the extent that such goodwill, in the opinion of the Treasurer, has no value;
- (xvii) to corporations paying tax under subsection 12 of this section upon their entire capital except as to any portion of capital not so taxed under the said subsection;
- (xviii) to corporations paying taxes under subsections 2, 3, 4, 5, 6, 10, 11, 13, 14 and 15 of this section.



- (d) In this subsection the words "paid-up capital" shall mean and include the paid-up capital stock of the incorporated company, its surplus and reserve funds (except any reserve the creation of which is allowed as a charge against revenue under subsection 3 of section 3a of this Act) all sums or credits advanced or loaned to the incorporated company by any other company (not including any Bank), and all sums borrowed by the incorporated company by the issue of bonds, bond mortgages, debentures, mortgages or other like securities.
- (5) Subsection 24 of the said section 3 as enacted by sub-Rev. Stat.,  
c. 29, s. 3,  
subs. 24  
(1932, c. 8,  
s. 2, subs. 9)  
repealed. section 9 of section 2 of *The Corporations Tax Act, 1932*, is repealed and the following substituted therefor:
- (24) (a) Save as in this subsection otherwise provided every incorporated company having its head or other office in Ontario or which transacts business in Ontario whether under its own name or through an agent or otherwise shall pay a tax of \$50 for each office or place of business in Ontario; and every incorporated company which holds assets in Ontario but has no designated office or place of business, shall, in addition to all other taxes for which it may be liable, pay a tax of \$50. Office tax.
- (b) Provided that the combined tax payable under this subsection and under subsection 23 of this section by a company having a paid-up capital of less than \$50,000 shall in no case be less than \$20 and subject to such minimum tax, the tax imposed in this subsection for each office or place of business shall be one-tenth of one per centum of the paid-up capital as defined in clause *d* of subsection 23.
- (c) Provided further that the provisions of this subsection shall not apply to corporations paying taxes under subsections 2, 3, 6, 10, 11, 13, 14, or 15 of this section.
- (d) Provided further that the provisions of this subsection shall not apply to any association incorporated without share capital.
- (e) Provided further that the following companies shall, in lieu of the tax imposed by this subsection, pay a tax of \$20.
- (i) A mining company which, in the opinion of the Treasurer, is not developing its properties;
  - (ii) Any company whose charter has not been surrendered and whose nominal head office is desig-

nated as being in Ontario and which in the opinion of the Treasurer has not commenced to do business or has ceased to do business and is entirely without assets.

(f) Provided further that in lieu of the tax imposed by this subsection the following companies having a capital of less than \$20,000 shall pay a tax of \$5; having a capital of \$20,000 or over and less than \$40,000 shall pay a tax of \$10; having a capital of \$40,000 or over and less than \$60,000 shall pay a tax of \$15; having a capital of \$60,000 or over and less than \$80,000 shall pay a tax of \$25; having a capital of \$80,000 or over shall pay a tax of \$50,—

- (i) Any company, which in the opinion of the Treasurer, was incorporated for the purpose of drainage, agriculture or colonization in Ontario;
- (ii) Any company which, in the opinion of the Treasurer, was incorporated for religious, charitable, philanthropic, social or educational purposes and which is not, in the opinion of the Treasurer, carried on for the purpose of gain;
- (iii) Any telephone company having a capital of less than \$100,000;
- (iv) Any company organized on a co-operative basis;
- (v) Any company which, in the opinion of the Treasurer, was incorporated for the purpose of conducting a community hall, community rink, community cemetery, amateur athletic club or social club;
- (vi) Any company which, in the opinion of the Treasurer, was incorporated for the purpose of holding buildings or other assets of fraternal organizations provided such buildings are not, in the opinion of the Treasurer, operated for the purpose of gain.

Rev. Stat.,  
c. 29, s. 3a  
(1932,  
c. 8, s. 3),  
repealed.

4. Section 3a of *The Corporations Tax Act* as enacted by section 3 of *The Corporations Tax Act, 1932*, is repealed and the following substituted therefor:

3a.—(1) In addition to the taxes specified in section 3 <sup>Tax on Net Revenue.</sup> every incorporated company having its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario whether under its own name or through an agent or otherwise shall pay a tax of one per centum calculated on the net revenue of the company.

(2) For the purposes of this section, net revenue means <sup>Net revenue defined.</sup> the annual net profit or gain of an incorporated company including profits directly or indirectly received from any trade, manufacture, or from commercial, financial or other business whether derived from a source within Ontario or elsewhere; and shall include interest, dividends and profits directly or indirectly received from money at interest upon any security or without security or from stocks or any other investment and also the annual net profit or gain from any other source including,—

(a) The income from, but not the proceeds of, life insurance policies paid upon the death of the person insured;

(b) Rents, royalties and other like periodical receipts which depend upon the production or use of any real property of an incorporated company notwithstanding that the same are payable on account of the use or sale of any such property.

(3) Net revenue as defined in the last preceding subsection <sup>Exemptions and deductions.</sup> shall, for the purposes of this Act, be subject to the following exemptions and deductions,—

(a) Such reasonable amount as the Treasurer may <sup>Depreciation.</sup> allow for depreciation;

(b) Dividends received from Canadian corpora- <sup>Dividends.</sup> tions where such corporations are taxable under this Act, and dividends received from Canadian corporations paying taxes under Provincial Corporations Tax or Provincial Income Tax Acts of other provinces where such provinces allow a similar exemption in respect of taxes paid under this Act;

(c) Interest on funds borrowed by the incorporated <sup>Interest.</sup> company, but the rate allowed hereunder shall not in any case exceed the rate determined by the Treasurer;

## Donations.

- (d) Not more than ten per centum of the net revenue of any incorporated company which has actually been paid by way of a donation within the taxation period to and receipted for, as such, by any charitable organization in Canada operated exclusively as such and not operated for the benefit or private gain or profit of any person, member or shareholder thereof.

## Deduction not allowed

- (4) In computing the amount of the net revenue of any incorporated company a deduction shall not be allowed in respect of,—

## Expenses not laid out to earn income.

- (a) Disbursements or expenses not wholly, exclusively and necessarily laid out or expended for the purposes of earning the revenue;

## Capital outlay or losses, etc.

- (b) Any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this section;

## Reserves, contingent accounts or sinking funds.

- (c) Amounts transferred or credited to a reserve, contingent account or sinking fund, except such an amount for bad debts as the Treasurer may allow, and except as otherwise provided in this section;

## Carrying charges.

- (d) Carrying charges or expenses on an unproductive property or assets not acquired for the purposes of the trade, manufacture or business of the incorporated company, or of a liability not incurred in connection with the trade, manufacture or business of the incorporated company;

## Limitations of certain expenses charged against profits.

- (e) The whole or any portion of any salary, bonus, commission or directors' fee which the Treasurer may consider in his opinion in excess of what is reasonable for the services performed;

## Income taxes.

- (f) The amount of tax paid on account of net revenue to the Dominion of Canada or to any jurisdiction including Ontario.

## Proviso.

- (5) Provided that the provisions of this section shall not apply to corporations paying taxes under subsections 2, 3, 4, 5, 6, 11, 13, 14, or 15 of section 3.



Provided further that the provisions of this section shall not apply to electric companies paying taxes under subsection 12 of section 3.

- (6) Provided further that the provisions of this section shall not apply—
- (a) to any company maintaining a head office and/or executive office in Ontario but whose business is carried on and situated entirely outside of the Province of Ontario and whose assets (other than investments in Dominion, Provincial and Canadian Municipal Bonds) are situated entirely outside of Ontario;
  - (b) to any company maintaining a head office and/or executive office in Ontario but whose assets consist of shares or obligations of subsidiary corporations whose business and assets are situated entirely outside of Ontario;
  - (c) to any company incorporated for religious, charitable, philanthropic, social or educational purposes but which in the opinion of the Treasurer, is not carried on for the purpose of gain;
  - (d) to any company whose affairs are in the hands of a liquidator, receiver or trustee, the assets of which are, in the opinion of the Treasurer, insufficient to meet its liabilities;
  - (e) to any association incorporated without share capital;
  - (f) to any company, which in the opinion of the Treasurer, was incorporated for the purpose of conducting a community hall, community rink, community cemetery, amateur athletic club or social club;
  - (g) to any transportation company with its head office and transportation system outside of Ontario;
  - (h) to any company whose gross revenue from investments in Dominion, Provincial or Municipal Debentures or in shares, bonds or other



obligations of other companies is not less than ninety-five per centum of its total gross revenue.

Rev. Stat.,  
c. 29, s. 5,  
repealed.

5. Section 5 of *The Corporations Tax Act* is repealed and the following substituted therefor:

How tax  
to be  
determined.

5. Unless otherwise provided in this Act, any tax imposed by this Act shall be determined upon the amount of the paid-up capital, stock, mileage, or other subject in respect of which the amount of such tax is to be ascertained as the same stood at the end of the fiscal year of the company next preceding the year for which such tax is imposed, provided that, in reference to the number of places of business, the number shall be the maximum number opened during the fiscal year next preceding the year for which the tax is imposed.

Rev. Stat.,  
c. 29, s. 7,  
repealed.

6. Section 7 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Company  
to file  
annual  
return.

- 7.—(1) Every company or incorporated company on which a tax is imposed by this Act shall on or before the 30th day of June in each year, without notice or demand, and any company or incorporated company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of the province of Ontario authorized to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purpose of carrying out the provisions of this Act.

Verification  
of returns.

- (2) The return and the certificate contained therein that the financial statements attached thereto are in agreement with the books of the company shall be verified by the signature of the president, or other officer having personal knowledge of the affairs of the company, and in the case of extra-provincial companies of the manager or chief agent of the company in Ontario, or of such other person or persons connected with the company as the Treasurer may require.

Rev. Stat.,  
c. 29, s. 8,  
repealed.

7. Section 8 of *The Corporations Tax Act* as amended by section 2 of *The Corporations Tax Act, 1933*, is repealed and the following substituted therefor:

- 8.—(1) The taxes imposed by this Act shall be deemed to <sup>Taxes,—</sup> be due on the 1st day of January of the calendar <sup>when to</sup> year in which they are imposed and shall be payable <sup>accrue.</sup> on or before the 30th day of June in such year.
- (2) Every company or incorporated company on which a <sup>Tax to be</sup> tax is imposed by this Act shall send with the return <sup>forwarded</sup> required by this Act the amount of the tax payable, <sup>with</sup> as estimated by the company on the return, and in <sup>return.</sup> default of payment on the 30th day of June as afore-said a penalty of five per centum of the amount of the tax payable shall be added thereto and thereafter a further penalty of one per centum per month shall be added for each additional month or portion thereof during which the said tax and penalty remain unpaid.
- (3) The penalties imposed by this section shall be <sup>Recovery of</sup> recovered in the manner provided by *The Summary* <sup>penalties,</sup> *Convictions Act* and shall be payable to the Treasurer <sup>Rev. Stat.,</sup> of Ontario. <sup>c. 121.</sup>
8. Section 9 of *The Corporations Tax Act* is repealed and <sup>Rev. Stat.,</sup> the following substituted therefor: <sup>c. 29, s. 9,</sup> <sup>repealed.</sup>
- 9.—(1) For every default in complying with the provisions <sup>Penalty for</sup> of section 7 of this Act, the company, the president <sup>not making</sup> and the directors of every company and any person <sup>return.</sup> acting as a representative of an extra-provincial company shall jointly and severally be liable to a penalty of \$20 for each day of such default.
- (2) For any false statement contained in any return <sup>Penalty</sup> made by any company or incorporated company or <sup>for false</sup> in any information required by the Treasurer from <sup>statement.</sup> any company or incorporated company, the company or incorporated company shall be liable to a penalty not exceeding \$10,000.
- (3) The penalties imposed by this section shall be <sup>Recovery of</sup> recovered in the manner provided by *The Summary* <sup>penalties,</sup> *Convictions Act*, and shall be payable to the Treasurer <sup>Rev. Stat.,</sup> of Ontario. <sup>c. 121.</sup>
9. Section 11 of *The Corporations Tax Act* is repealed and <sup>Rev. Stat.,</sup> the following substituted therefor: <sup>c. 29, s. 11,</sup> <sup>repealed.</sup>
- 11.—(1) The returns received by the Treasurer shall with <sup>Returns</sup> all possible despatch be checked and examined. <sup>examined.</sup>
- (2) If the Treasurer, in order to enable him to determine <sup>Requisition</sup> whether a return furnished is correct, desires further <sup>by Treasurer</sup> <sup>for further</sup> <sup>information.</sup>

information, he may, by registered letter addressed to the president, manager, secretary or agent of the company, require a further return to be furnished under oath within thirty days.

Commission  
of enquiry.

- (3) If the required information is not furnished to the satisfaction of the Treasurer, the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners appointed under *The Public Inquiries Act*, and the determination of the commissioner or commissioners, after having given all persons concerned an opportunity to be heard, shall, for the purposes of this Act, be final as to the particulars mentioned in the report, but the Lieutenant-Governor in Council may for cause vary the report; but the findings of the commissioner or commissioners shall not be varied so that the amount of the tax payable by the company shall be increased without giving the company an opportunity of being heard.

Rev. Stat.,  
c. 20.

Cost of  
commission.

- (4) If the inquiry is occasioned by failure to furnish the information required by the Treasurer, subject to the next succeeding subsection, the company shall pay the costs of the inquiry, but if the return is found to be correct and the required information appears to have been duly furnished, the Treasurer may direct the costs or such of them as were necessary to be paid by Ontario.

Additional  
tax where  
amount  
understated.

- (5) If the commissioner or commissioners find that the return understates the amount upon which the tax should be paid, the company, besides paying the costs of the inquiry, shall pay the tax based on the amount as found by the commissioner or commissioners with fifty per centum added to the tax, unless the Lieutenant-Governor in Council shall otherwise direct.

Taxation  
of costs.

- (6) The costs of the commission may be fixed and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of a tax.

Who to tax  
costs.

- (7) If the Treasurer directs the costs to be taxed the same shall be taxed by a taxing officer of the Supreme Court.

When under  
statement  
of amount  
made in  
good faith.

- (8) If the commissioner or commissioners find that the return understates the amount on which the tax



should be paid, but also certify that such understatement was not made with intent to decrease the amount of the tax to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may, upon the recommendation of the Treasurer, remit so much of the added percentage and so much of the costs as to him may seem meet.

- (9) If any company or incorporated company fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax payable under this Act, the Treasurer may require such company to keep such records and accounts as he may prescribe. Books or accounts must be kept.
- (10) Any return or information supplied by or on behalf of any company or incorporated company shall not be binding upon the Treasurer, and notwithstanding such return or information, or if no return has been made, the Treasurer may determine the amount of the tax to be paid by any company or incorporated company. Treasurer not bound by returns.
- (11) After examination of the return of the company or incorporated company, the Treasurer shall send a notice of assessment to the company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, together with interest on such additional tax at the rate of six per centum per annum calculated from the last day prescribed for making such return. Notice of assessment.  
Payment of additional tax.
- (12) If any company or incorporated company fails to pay such additional tax and interest, within one month from the date of the mailing of the notice of assessment aforesaid, the company shall pay in addition to the penalty provided by section 8 of this Act, a penalty of one per centum per month upon the said additional tax, for each month or portion thereof from the expiry of the period of one month from the date of the mailing of the said notice during which the said additional tax and interest remain unpaid. Penalty for non-payment of additional tax.
- (13) (a) The Treasurer may refund at or prior to the issue of the notice of assessment, or after the issue of the notice of assessment, provided application in writing is made therefor by the taxpayer within six months Refund.

from the date of the payment of the tax or the date on which the notice of the assessment was issued, any overpayment of tax or penalties made by the company or incorporated company.

Interest on  
refund.

- (b) A refund of tax made in accordance with the preceding clause may be paid with interest at the rate of four per centum per annum thereon calculated from four months after the time the tax first became overpaid; provided that no interest will be paid where the refund of tax made is less than \$50.

Continua-  
tion of  
liability  
for tax.

- (14) Notwithstanding any prior assessment or if no assessment has been made the company or incorporated company shall continue to be liable for any tax and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any company or incorporated company for tax and penalties.

Rev. Stat.,  
c. 29, s. 12,  
subs. 1  
(1933,  
c. 10, s. 3),  
amended.

**10.**—(1) Subsection 1 of section 12 of *The Corporations Tax Act* as enacted by *The Corporations Tax Act, 1933*, is amended by inserting the words "syndicate units" after the word "including" in the ninth line thereof and by inserting the words "to a broker" after the word "given" in the thirteenth line thereof so that the first sixteen lines of the said subsection shall now read as follows:

Transfer  
tax.

- (1) Upon every change of ownership consequent upon the sale, transfer or assignment of any share of stock of any association, company or corporation or of any bond, debenture or share of debenture stock made or carried into effect in Ontario, or of any participating interest in the operations or profits of any association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned including syndicate units, mineral deeds, oil royalties and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities, and upon every order given to a broker in Ontario for the sale, transfer or assignment of any such securities when the order is to be executed outside Ontario, there shall be imposed, levied and collected a tax as follows:

Rev. Stat.,  
c. 29, s. 12,  
subs. 1  
(1933,  
c. 10, s. 3),  
amended.

(2) Subsection 1 of the said section 12 as enacted by *The Corporations Tax Act, 1933*, is further amended by adding thereto the following clause:

- (i) Three cents for every one hundred dollars or fraction thereof of the value of every syndicate unit, mineral deed and oil royalty.



(3) Subsection 4 of the said section 12 as enacted by *The Corporations Tax Act, 1933*, is amended by inserting the words "or cash" after the word "stamps" in the first line and by adding at the end thereof the words "and may impose penalties for breach of any of such regulations" so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 29, s. 12,  
subs. 4  
(1933,  
c. 10, s. 3),  
amended.

- (4) The said tax shall be payable in tax stamps or cash by the vendor, transferor or assignor, and the Lieutenant-Governor in Council may make regulations prescribing in any case or class of cases the manner in which and the person by whom the amount of such tax shall be computed and collected for and on behalf of His Majesty, and may impose penalties for breach of any of such regulations.

(4) Subsection 10 of the said section 12 as enacted by *The Corporations Tax Act, 1933*, is repealed and the following substituted therefor:

Rev. Stat.,  
c. 29, s. 12,  
subs. 10,  
(1933,  
c. 10, s. 3),  
repealed.

- (10) (a) Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this section, or who violates any of the provisions of this section for which no other penalty is provided, or any regulations made thereunder, shall be liable for each such violation to a penalty of not less than the amount of the tax due and not exceeding the total of the amount of the tax due and \$500.

Penalty.

- (b) The penalties imposed by this subsection shall be recovered in the manner provided by *The Summary Convictions Act*, and shall be payable to the Treasurer of Ontario.

Recovery of  
penalties.

Rev. Stat.,  
c. 121.

11. Subsection 4 of section 13 of *The Corporations Tax Act* is amended by striking out all the words after the word "penalty" in the sixth line and inserting in lieu thereof the words "and such penalties shall be recovered in the manner provided by *The Summary Convictions Act*, and shall be payable to the Treasurer of Ontario," so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 29, s. 13,  
subs. 4,  
amended.

- (4) If a corporation or company makes default in complying with the provisions of this section, the corporation or company shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the corporation or company who wilfully authorizes or permits such default shall incur the like penalty, and such penalties shall be recovered in the manner provided by *The Summary Convictions Act*, and shall be payable to the Treasurer of Ontario.

Recovery of  
penalties.

Rev. Stat.,  
c. 121.

Rev. Stat.,  
c. 29, s. 14,  
subs. 3,  
repealed.

**12.** Subsection 3 of section 14 of *The Corporations Tax Act* is repealed and the following substituted therefor:

Recovery of  
penalties.  
Rev. Stat.,  
c. 121.

- (3) The penalties imposed by this section shall be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer of Ontario.

Rev. Stat.,  
c. 29, s. 18,  
(1932, c. 8,  
s. 5)  
amended.

**13.** Section 18 of *The Corporations Tax Act* as enacted by section 5 of *The Corporations Tax Act, 1932*, is amended by adding thereto the following clause:

- (g) authorizing the assistant treasurer or other officer of the Treasury Department to exercise such of the powers conferred by this Act upon the Treasurer as may be deemed more conveniently exercised by such officer.

Rev. Stat.,  
c. 29, s. 22,  
repealed.

**14.** Section 22 of *The Corporations Tax Act* is repealed.

Commence-  
ment of  
Act.

**15.** This Act shall come into force on the day upon which it receives the Royal Assent and shall take effect as from the 1st day of January, 1935.









BILL

An Act to amend The Corporations Tax Act.

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*1st Reading*

April 9th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Provincial Loans Act.

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MR. HEPBURN

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# BILL

## An Act to amend The Provincial Loans Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Provincial Loans Amendment Act, 1935*.

Rev. Stat.,  
c. 23, s. 3,  
amended.

2. Section 3 of *The Provincial Loans Act* is amended by adding thereto the following subsection:

Raising  
loans for  
refunding  
purposes.

(1a) (a) The Lieutenant-Governor in Council is hereby authorized to raise money by way of loan in such manner and at such times as may be deemed expedient by the issue and sale of securities of one or more of the classes specified in subsection 1 of this section 3, in such amounts as will realize the net sum required for any or all of the following purposes:

(i) Payment, refunding or renewal from time to time of the whole or any part of any loan made or securities issued under the provisions of this or any other Act, notwithstanding that the issue of securities for such purpose may have the effect of increasing the amount of the public debt.

(ii) Payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Province of Ontario.

(b) A recital or declaration in the Order of the Lieutenant-Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required to be raised by way of loan shall be conclusive evidence of that fact.

Commence-  
ment of  
Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

There is no provision in *The Provincial Loans Act* or in any other Act to authorize the Government to borrow money to pay off maturing debentures of the Province or debentures that have been guaranteed by the Province. This amendment will provide the necessary authority.

When *The Provincial Loans Act*, R.S.O. 1927, chapter 23, was originally passed, it was no doubt anticipated that maturity loans would be paid off out of sinking funds, for which provision was made in the different loaning acts, but no sufficient sinking fund has been provided for the retirement of these maturing loans.

BILL

An Act to amend The Provincial  
Loans Act.

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*1st Reading*

April 9th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Provincial Loans Act.

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MR. HEPBURN

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# BILL

## An Act to amend The Provincial Loans Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Provincial Loans Amendment Act, 1935*.

Rev. Stat.,  
c. 23, s. 3,  
amended.

2. Section 3 of *The Provincial Loans Act* is amended by adding thereto the following subsection:

Raising  
loans for  
refunding  
purposes.

(1a) (a) The Lieutenant-Governor in Council is hereby authorized to raise money by way of loan in such manner and at such times as may be deemed expedient by the issue and sale of securities of one or more of the classes specified in subsection 1 of this section, in such amounts as will realize the net sum required for any or all of the following purposes:

(i) Payment, refunding or renewal from time to time of the whole or any part of any loan made or securities issued under the provisions of this or any other Act, notwithstanding that the issue of securities for such purpose may have the effect of increasing the amount of the public debt.

(ii) Payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Province of Ontario.

(b) A recital or declaration in the Order of the Lieutenant-Governor in Council authorizing the issue and sale of securities to the effect that the amount of the securities so authorized is necessary to realize the net sum required to be raised by way of loan shall be conclusive evidence of that fact.

Commence-  
ment of  
Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Provincial  
Loans Act.

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*1st Reading*

April 9th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. HEBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Succession Duty Act, 1934.

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MR. HEPBURN

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No. 111

1935

# BILL

An Act to amend The Succession Duty Act, 1934.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Succession Duty Amendment Act, 1935*.

1934, c. 55,  
s. 6, subs. 2,  
cl. f,  
amended.      **2.**—(1) Clause *f* of subsection 2 of section 6 of *The Succession Duty Act, 1934*, is amended by striking out the words “money received under a policy of insurance” in the first line and inserting in lieu thereof the words “money received, or payable at the time of a person’s death, or money representing the value of any future payments, ascertained as provided herein, as at the time of such death, under a policy of life, accident or sickness insurance,” and by striking out the words “effected by any person on his life” in the fourth line and inserting in lieu thereof the words “effected, contracted for or applied for by such person,” so that the said clause shall now read as follows:

Policies of  
insurance.

(*f*) Money received or payable at the time of a person’s death, or money representing the value of any future payments, ascertained as provided herein, as at the time of such death, under a policy of life, accident or sickness insurance, whether such insurance is payable to or in favour of a preferred beneficiary within the meaning of *The Insurance Act* or not, effected, contracted for or applied for by such person, where the policy is wholly kept up by him for the benefit of any existing or future donee, whether nominee or assignee, or for any person who may become a donee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit.

Rev. Stat.,  
c. 222.

1934, c. 55,  
s. 6, subs. 2,  
amended.      (2) Subsection 2 of the said section 6 is amended by adding thereto the following clause:

#### EXPLANATORY NOTES

Section 2.—(1) The purpose of this amendment is to more clearly establish that money payable under a policy of life, accident or sickness insurance is “property” within the meaning of *The Succession Duty Act*.

(2) Extends the meaning of “property” to include marriage settlements.

## Marriage settlements.

- (k) Any property transferred to or settled on or agreed to be transferred to or settled on any person or persons whomsoever, by a deceased person, in consideration of marriage, where such transfer or settlement or agreement was made on or after the 1st day of July, 1892.

1934, c. 55,  
s. 6, subs. 4,  
amended.

- (3) Subsection 4 of the said section 6 is amended by striking out the words "in respect of" in the second line and inserting in lieu thereof the word "on."

1934, c. 55,  
s. 6, subs. 4,  
cl. c,  
amended.

- (4) Clause *c* of subsection 4 of the said section 6 is amended by adding at the end thereof the words "provided that this clause shall not apply to anything contained in clause *k* of subsection 2 of this section," so that the said clause shall now read as follows:

## Property transferred for consideration.

## Proviso.

- (c) actually and *bona fide* transferred for full consideration in money or money's worth paid to the transferor for his own use and benefit; provided that this clause shall not apply to anything contained in clause *k* of subsection 2 of this section.

1934, c. 55,  
s. 7, subs. 1,  
par. 1, cl. n,  
re-enacted.

- 3.—(1) Clause *n* of paragraph 1 of subsection 1 of section 7 of *The Succession Duty Act, 1934*, is repealed and the following substituted therefor:

- (n) exceeds \$1,000,000 and does not exceed \$5,000,000—10 per centum plus 1/100 of one per centum for each full \$10,000 by which the aggregate value exceeds \$1,000,000;

- (o) exceeds \$5,000,000—14 per centum.

1934, c. 55,  
s. 7, subs. 3,  
amended.

- (2) Subsection 3 of the said section 7 is amended by striking out the word "ten" in the first line and inserting in lieu thereof the word "fifteen."

1934, c. 55,  
s. 9, subs. 1,  
cl. b,  
amended.

- 4.—(1) Clause *b* of subsection 1 of section 9 of *The Succession Duty Act, 1934*, is amended by inserting after the word "credit" in the fifth line the words "moneys on deposit in any bank, trust company office or office of any other institution," by striking out the word "him" in the eighth line and inserting in lieu thereof the words "such deceased person," and by inserting after the word "person" in the ninth line the words "or in which such deceased person had any beneficial interest," so that the said clause shall now read as follows:

## Consent required for registered securities, etc.

- (b) Deliver, transfer, assign or pay, or permit any delivery, transfer, assignment or payment of any bonds, shares of stock, guaranteed investment certi-

(3) Clarifies the meaning of subsection 4 of section 6 of the Act. There is no material change.

(4) Establishes that "property passing" under a marriage settlement shall be dutiable without any possible exception.

Section 3.—(1) Provides for higher basic rates of duty on estates going to a preferred class where the aggregate value of the estate exceeds \$1,000,000

(2) Raises the surtax rate from ten to fifteen per centum.

Section 4.—(1) Provides with greater certainty that the consent of the Department is required before dealing with moneys in bank or securities in which the deceased person had a beneficial interest.



ficates, company notes or other notes, receivables, credits or letters of credit, money on deposit in any bank, trust company office or office of any other institution, or any other securities or property whatsoever, belonging to a deceased person and standing in his name, or in his name and that of any other person, or held in trust for such deceased person, or for him and any other person, or in which such deceased person had any beneficial interest and which may be liable to duty in Ontario, or with respect to which there is a transmission within Ontario, whether such person died domiciled in Ontario or elsewhere;

1934, c. 55,  
s. 9, subs. 7,  
amended.

(2) Subsection 7 of the said section 9 is amended by striking out the word "penalty" where it occurs the second time in the seventh line and inserting in lieu thereof the word "penalties," and by striking out all the words after the word "wilful" in the ninth line, so that the said subsection shall now read as follows:

Penalties.

(7) Any bank, trust company, insurance company or other corporation, or any person mentioned in this section, failing to comply with same, shall incur a penalty not exceeding the amount of duty payable to the Province in respect of any property dealt with in contravention of this section, or in respect of the transmission of such property, and shall, in addition, incur a penalty of \$1,000, but such penalties shall not apply when the Treasurer is satisfied that the contravention was not wilful.

1934, c. 55,  
s. 10, subs. 6,  
amended.

5. Subsection 6 of section 10 of *The Succession Duty Act, 1934*, is amended by striking out the words "together with interest thereon at the rate of six per centum per annum" in the ninth and tenth lines, and by striking out the word "twenty-five" in the twelfth line and inserting in lieu thereof the words "one hundred," so that the said subsection shall now read as follows:

Property not  
disclosed on  
application  
for probate,  
etc.

(6) If at any time it shall be discovered that any property was not disclosed upon the grant of letters probate or of administration, or the filing of the account, the person acting in the administration of such property, and the person who is liable for the duty payable under this Act, shall pay to the Treasurer the amount which, with the duty previously payable or paid on the property properly disclosed (or on the transmission thereof) shall be sufficient to cover the whole of the duty chargeable at the rates fixed by this Act, and shall at the same time pay to the Treasurer, as a penalty, a further sum of one hundred per centum



(2) This amendment is for the purpose of clarifying the meaning of subsection 7 of section 9 of this Act. There is no material change.

Section 5. This simplifies subsection 6 of section 10 of the Act and provides for an increased penalty for any default.

of the duty chargeable on the property not disclosed (or on the transmission thereof) and shall also, within two months after the discovery of the omission, deliver to the surrogate registrar or the Treasurer an affidavit or account setting forth the property not so disclosed, and the value thereof, in default of which they shall each incur a penalty of \$10 for each day during which the default continues.

1934, c. 55,  
s. 11, subs. 7,  
repealed. **6.** Subsection 7 of section 11 of *The Succession Duty Act, 1934*, is repealed.

1934, c. 55,  
s. 14, subs. 1,  
amended. **7.**—(1) Subsection 1 of section 14 of *The Succession Duty Act, 1934*, is amended by striking out the word “lien” in the eleventh line and inserting in lieu thereof the words “first lien and charge.”

1934, c. 55,  
s. 14,  
amended. (2) The said section 14 is amended by adding thereto the following subsection:

Amount of  
duty over-  
paid may be  
refunded in  
certain cases.

(4a) The Lieutenant-Governor in Council, upon proof to his satisfaction that an overpayment of duty has been made in any estate, may refund the amount of such overpayment to the person entitled thereto, together with interest thereon at the rate of four per centum per annum from the date of the making of such overpayment to the date on which the amount of same is refunded; provided that no such refund shall be made in any given estate after the expiration of one year from the receipt by the Treasurer of an amount purporting to be in full settlement of the duty or the balance of the duty in such estate.

1934, c. 55,  
s. 16,  
repealed. **8.** Section 16 of *The Succession Duty Act, 1934*, is repealed.

1934, c. 55,  
s. 22, subss.  
1, 2, 3,  
re-enacted. **9.**—(1) Subsections 1, 2 and 3 of section 22 of *The Succession Duty Act, 1934*, are repealed and the following substituted therefor:

Appoint-  
ment of  
commis-  
sioner to  
inquire into  
estate.

(1) Whether or not any inventory as required by *The Succession Duty Act, 1934*, has been filed, and whether or not any property has been omitted from any such inventory, the Treasurer may appoint a commissioner or commissioners with full power to make all inquiries, examinations or investigations of any person who, it is alleged, is or has been in possession of any property passing on the death, or property deemed to be property passing on the death, of a deceased person within the meaning of *The Succession Duty Act, 1934*, or has or has had any knowledge or information respecting any such property, or is or has

Section 6. This repeals subsection 7 of section 11 of the Act, the provisions of which are adequately covered by subsections 1, 2 and 3 of section 22 of the Act as re-enacted by subsection 1 of section 9 of this Bill and subsection 13 of section 22 as enacted by subsection 2 of section 9 of this Bill.

Section 7.—(1) The amendment is to clarify the meaning of subsection 1 of section 14 of the Act. There is no material change.

(2) This is to make provisions for a refund where duty has been over-paid.

Section 8. This repeals section 16 of *The Succession Duty Act*, the provisions of subsection 3 of section 14 of the Act being considered adequate.

Section 9.—(1), (2) Subsections 1, 2 and 3 of section 22 of the Act are re-enacted and a subsection 13 is added to consolidate, simplify and clarify the provisions of the various parts of the Act and provide for the effective enforcement of the same.

been in possession, power or control of any book, bank-book, pass-book, bank account, deposit account with any trust company or other institution, record, entry, memorandum, instrument, evidence of title, or other documents or papers, of or relating to such property, and to examine, inspect or investigate any or all such books, bank-books, pass-books, bank accounts, deposit accounts, records, entries, memoranda, instruments, evidences of title or other documents or papers, in order to determine or to assist in determining what, if any, of such property or the transmission thereof, is or may be subject to duty under the provisions of *The Succession Duty Act, 1934*; to fix and settle the value of the property passing on the death or deemed to be passing on the death of a deceased person within the meaning of *The Succession Duty Act, 1934*, for the purposes of duty, and the amount of debts, deductions and other allowances and exemptions; to assess the cash value of every annuity, term of lease, term of years, life estate, income or other estate or interest in expectancy as provided by *The Succession Duty Act, 1934*, and to settle the amount of duty, and determine the persons liable therefor, and generally to make inquiry as to any matter or thing affecting or which in the opinion of the commissioner, might affect duty.

Powers of  
commissioner.

- (2) The commissioner shall, for the purposes of this section, have all the powers of a judge of the Supreme Court at the trial of an action, and all the powers which may be conferred upon a commissioner under *The Public Inquiries Act*, and shall also have power to require any such person to attend at a time and place designated, and to submit to examination under oath touching any such matters mentioned in subsection 1, and to require the production at such hearing, or otherwise upon oath, of all such books, bank-books, pass-books, bank accounts, deposit accounts, records, entries, memoranda, instruments, evidences of title or other documents as are mentioned in said subsection 1, such attendance or production, upon oath or otherwise, to be upon three days' notice in writing to be served in such manner and upon such persons as the commissioner may direct.

Further  
powers.

- (3) The commissioner shall also have power, upon such examination or at any time whatsoever, whether or not an examination is pending, to make inquiries concerning:





(a) any property taken or alleged to have been taken, under a disposition, operating or purporting to operate as a gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise, made since the 1st day of July, 1892;

(b) the source of any property belonging to a beneficiary of a deceased person or in which such beneficiary had any beneficial interest whatsoever;

and the commissioner shall also, for the purposes of this subsection, have power to examine, inspect and make extracts from any book, bank-book, pass-book, bank account, deposit account with any trust company or other institution, record, entry, memorandum, instrument, evidence of title, or other documents or papers.

1934, c. 55,  
s. 22,  
amended.

(2) The said section 22 is amended by adding thereto the following subsection:

Other  
persons  
may be  
authorized  
to inquire.

(13) The powers of a commissioner under this section may also be exercised by any other person or persons appointed or authorized by the Treasurer to act for the purposes of this section.

1934, c. 55,  
amended.

**10.** *The Succession Duty Act, 1934*, is amended by adding thereto the following section:

Treasurer  
may re-open  
estates, etc.

**25a.** Notwithstanding anything in this Act or in any other Act contained, and notwithstanding that any officer or servant of the Crown shall have made at any time, any decision, whether of law or fact, or any ruling, valuation or settlement, or shall have given, at any time, any consent, receipt, discharge, certificate or other document in any matter which in any way relates to any estate or property or transmission, within the meaning of *The Succession Duty Act, 1934*, which may be subject to duty, and whether relating to the liability to duty, the valuation for purposes of duty, the rate of duty, the payment of interest, the extension of time for payment of duty, or otherwise, the Treasurer may, in such cases as may to him seem proper, re-open, revoke, revise, alter, recall or change any such decision, ruling, valuation, settlement, consent, receipt, discharge, certificate or other document and may deal with such matter, to the same extent as though such officer or servant had not so made such decision, ruling, valuation or

Section 10. A section 25*a* is added for the protection of the Department in case of errors or omissions in dealing with any estate matters.

settlement, or so given such consent, receipt, discharge, certificate or other document.

Commence-  
ment of  
Act.

Ss. 5, 9 and  
10 retro-  
active.

**11.** This Act shall come into force on the day upon which it receives the Royal Assent, and the provisions of sections 5, 9 and 10 shall have effect as from the 1st day of July, 1892.



BILL

An Act to amend the Succession  
Duty Act.

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*1st Reading*

April 9th, 1935

*2nd Reading*

*3rd Reading*

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Succession Duty Act, 1934.

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MR. HEPBURN

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No. 111

1935

# BILL

An Act to amend The Succession Duty Act, 1934.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Succession Duty Amendment Act, 1935*.

1934, c. 55,  
s. 6, subs. 2,  
cl. f,  
amended.

**2.**—(1) Clause *f* of subsection 2 of section 6 of *The Succession Duty Act, 1934*, is amended by striking out the words “money received under a policy of insurance” in the first line and inserting in lieu thereof the words “money received, or payable at the time of a person’s death, or money representing the value of any future payments, ascertained as provided herein, as at the time of such death, under a policy of life, accident or sickness insurance,” and by striking out the words “effected by any person on his life” in the fourth line and inserting in lieu thereof the words “effected, contracted for or applied for by such person,” so that the said clause shall now read as follows:

Policies of  
insurance.

(*f*) Money received or payable at the time of a person’s death, or money representing the value of any future payments, ascertained as provided herein, as at the time of such death, under a policy of life, accident or sickness insurance, whether such insurance is payable to or in favour of a preferred beneficiary within the meaning of *The Insurance Act* or not, effected, contracted for or applied for by such person, where the policy is wholly kept up by him for the benefit of any existing or future donee, whether nominee or assignee, or for any person who may become a donee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit.

Rev. Stat.,  
c. 222.

(2) Subsection 2 of the said section 6 is amended by adding thereto the following clause:

1934, c. 55,  
s. 6, subs. 2,  
amended.

- (k) Any property transferred to or settled on or agreed to be transferred to or settled on any person or persons whomsoever, by a deceased person, in consideration of marriage, where such transfer or settlement or agreement was made on or after the 1st day of July, 1892. Marriage settlements.

(3) Subsection 4 of the said section 6 is amended by striking out the words "in respect of" in the second line and inserting in lieu thereof the word "on." 1934, c. 55, s. 6, subs. 4, amended.

(4) Clause *c* of subsection 4 of the said section 6 is amended by adding at the end thereof the words "provided that this clause shall not apply to anything contained in clause *k* of subsection 2 of this section," so that the said clause shall now read as follows: 1934, c. 55, s. 6, subs. 4, cl. c, amended.

- (c) actually and *bona fide* transferred for full consideration in money or money's worth paid to the transferor for his own use and benefit; provided that this clause shall not apply to anything contained in clause *k* of subsection 2 of this section. Property transferred for consideration. Proviso.

3.—(1) Clause *n* of paragraph i of subsection 1 of section 7 of *The Succession Duty Act, 1934*, is repealed and the following substituted therefor: 1934, c. 55, s. 7, subs. 1, par. i, cl. n, re-enacted.

(n) exceeds \$1,000,000 and does not exceed \$5,000,000—10 per centum plus 1/100 of one per centum for each full \$10,000 by which the aggregate value exceeds \$1,000,000;

(o) exceeds \$5,000,000—14 per centum.

(2) Subsection 3 of the said section 7 is amended by striking out the word "ten" in the first line and inserting in lieu thereof the word "fifteen." 1934, c. 55, s. 7, subs. 3, amended.

4.—(1) Clause *b* of subsection 1 of section 9 of *The Succession Duty Act, 1934*, is amended by inserting after the word "credit" in the fifth line the words "moneys on deposit in any bank, trust company office or office of any other institution," by striking out the word "him" in the eighth line and inserting in lieu thereof the words "such deceased person," and by inserting after the word "person" in the ninth line the words "or in which such deceased person had any beneficial interest," so that the said clause shall now read as follows: 1934, c. 55, s. 9, subs. 1, cl. b, amended.

- (b) Deliver, transfer, assign or pay, or permit any delivery, transfer, assignment or payment of any bonds, shares of stock, guaranteed investment certi- Consent required for registered securities, etc.

ficates, company notes or other notes, receivables, credits or letters of credit, money on deposit in any bank, trust company office or office of any other institution, or any other securities or property whatsoever, belonging to a deceased person and standing in his name, or in his name and that of any other person, or held in trust for such deceased person, or for him and any other person, or in which such deceased person had any beneficial interest and which may be liable to duty in Ontario, or with respect to which there is a transmission within Ontario, whether such person died domiciled in Ontario or elsewhere;

1934, c. 55,  
s. 9, subs. 7,  
amended.

(2) Subsection 7 of the said section 9 is amended by striking out the word "penalty" where it occurs the second time in the seventh line and inserting in lieu thereof the word "penalties," and by striking out all the words after the word "wilful" in the ninth line, so that the said subsection shall now read as follows:

Penalties.

(7) Any bank, trust company, insurance company or other corporation, or any person mentioned in this section, failing to comply with same, shall incur a penalty not exceeding the amount of duty payable to the Province in respect of any property dealt with in contravention of this section, or in respect of the transmission of such property, and shall, in addition, incur a penalty of \$1,000, but such penalties shall not apply when the Treasurer is satisfied that the contravention was not wilful.

1934, c. 55,  
s. 10, subs. 6,  
amended.

5. Subsection 6 of section 10 of *The Succession Duty Act, 1934*, is amended by striking out the words "together with interest thereon at the rate of six per centum per annum" in the ninth and tenth lines, and by striking out the word "twenty-five" in the twelfth line and inserting in lieu thereof the words "one hundred," so that the said subsection shall now read as follows:

Property not  
disclosed on  
application  
for probate,  
etc.

(6) If at any time it shall be discovered that any property was not disclosed upon the grant of letters probate or of administration, or the filing of the account, the person acting in the administration of such property, and the person who is liable for the duty payable under this Act, shall pay to the Treasurer the amount which, with the duty previously payable or paid on the property properly disclosed (or on the transmission thereof) shall be sufficient to cover the whole of the duty chargeable at the rates fixed by this Act, and shall at the same time pay to the Treasurer, as a penalty, a further sum of one hundred per centum



of the duty chargeable on the property not disclosed (or on the transmission thereof) and shall also, within two months after the discovery of the omission, deliver to the surrogate registrar or the Treasurer an affidavit or account setting forth the property not so disclosed, and the value thereof, in default of which they shall each incur a penalty of \$10 for each day during which the default continues.

6. Subsection 7 of section 11 of *The Succession Duty Act, 1934*, is repealed. 1934, c. 55, s. 11, subs. 7, repealed.

7.—(1) Subsection 1 of section 14 of *The Succession Duty Act, 1934*, is amended by striking out the word "lien" in the eleventh line and inserting in lieu thereof the words "first lien and charge." 1934, c. 55, s. 14, subs. 1, amended.

(2) The said section 14 is amended by adding thereto the following subsection: 1934, c. 55, s. 14, amended.

(4a) The Lieutenant-Governor in Council, upon proof to his satisfaction that an overpayment of duty has been made in any estate, may refund the amount of such overpayment to the person entitled thereto, together with interest thereon at the rate of four per centum per annum from the date of the making of such overpayment to the date on which the amount of same is refunded; provided that no such refund shall be made in any given estate after the expiration of one year from the receipt by the Treasurer of an amount purporting to be in full settlement of the duty or the balance of the duty in such estate. Amount of duty overpaid may be refunded in certain cases.

8. Section 16 of *The Succession Duty Act, 1934*, is repealed. 1934, c. 55, s. 16, repealed.

9.—(1) Subsections 1, 2 and 3 of section 22 of *The Succession Duty Act, 1934*, are repealed and the following substituted therefor: 1934, c. 55, s. 22, subss. 1, 2, 3, re-enacted.

(1) Whether or not any inventory as required by *The Succession Duty Act, 1934*, has been filed, and whether or not any property has been omitted from any such inventory, the Treasurer may appoint a commissioner or commissioners with full power to make all inquiries, examinations or investigations of any person who, it is alleged, is or has been in possession of any property passing on the death, or property deemed to be property passing on the death, of a deceased person within the meaning of *The Succession Duty Act, 1934*, or has or has had any knowledge or information respecting any such property, or is or has Appointment of commissioner to inquire into estate.



been in possession, power or control of any book, bank-book, pass-book, bank account, deposit account with any trust company or other institution, record, entry, memorandum, instrument, evidence of title, or other documents or papers, of or relating to such property, and to examine, inspect or investigate any or all such books, bank-books, pass-books, bank accounts, deposit accounts, records, entries, memoranda, instruments, evidences of title or other documents or papers, in order to determine or to assist in determining what, if any, of such property or the transmission thereof, is or may be subject to duty under the provisions of *The Succession Duty Act, 1934*; to fix and settle the value of the property passing on the death or deemed to be passing on the death of a deceased person within the meaning of *The Succession Duty Act, 1934*, for the purposes of duty, and the amount of debts, deductions and other allowances and exemptions; to assess the cash value of every annuity, term of lease, term of years, life estate, income or other estate or interest in expectancy as provided by *The Succession Duty Act, 1934*, and to settle the amount of duty, and determine the persons liable therefor, and generally to make inquiry as to any matter or thing affecting or which in the opinion of the commissioner, might affect duty.

Powers of  
commissioner.

- (2) The commissioner shall, for the purposes of this section, have all the powers of a judge of the Supreme Court at the trial of an action, and all the powers which may be conferred upon a commissioner under *The Public Inquiries Act*, and shall also have power to require any such person to attend at a time and place designated, and to submit to examination under oath touching any such matters mentioned in subsection 1, and to require the production at such hearing, or otherwise upon oath, of all such books, bank-books, pass-books, bank accounts, deposit accounts, records, entries, memoranda, instruments, evidences of title or other documents as are mentioned in said subsection 1, such attendance or production, upon oath or otherwise, to be upon three days' notice in writing to be served in such manner and upon such persons as the commissioner may direct.

Further  
powers.

- (3) The commissioner shall also have power, upon such examination or at any time whatsoever, whether or not an examination is pending, to make inquiries concerning:

- (a) any property taken or alleged to have been taken, under a disposition, operating or purporting to operate as a gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise, made since the 1st day of July, 1892;
- (b) the source of any property belonging to a beneficiary of a deceased person or in which such beneficiary had any beneficial interest whatsoever;

and the commissioner shall also, for the purposes of this subsection, have power to examine, inspect and make extracts from any book, bank-book, pass-book, bank account, deposit account with any trust company or other institution, record, entry, memorandum, instrument, evidence of title, or other documents or papers.

(2) The said section 22 is amended by adding thereto the following subsection: 1934, c. 55,  
s. 22,  
amended.

- (13) The powers of a commissioner under this section may also be exercised by any other person or persons appointed or authorized by the Treasurer to act for the purposes of this section. Other  
persons  
may be  
authorized  
to inquire.

**10.** *The Succession Duty Act, 1934*, is amended by adding thereto the following section: 1934, c. 55,  
amended.

- 25a.—(1) Notwithstanding anything in this Act or in any other Act contained, and notwithstanding that any officer or servant of the Crown shall have made at any time, any decision, whether of law or fact, or any ruling, valuation or settlement, or shall have given, at any time, any consent, receipt, discharge, certificate or other document in any matter which in any way relates to any estate or property or transmission, within the meaning of *The Succession Duty Act, 1934*, which may be subject to duty, and whether relating to the liability to duty, the valuation for purposes of duty, the rate of duty, the payment of interest, the extension of time for payment of duty, or otherwise, the Treasurer may, in such cases as may to him seem proper, re-open, revoke, revise, alter, recall or change any such decision, ruling, valuation, settlement, consent, receipt, discharge, certificate or other document and may deal with such matter, to the same extent as though such officer or servant had not so made such decision, ruling, valuation or Treasurer  
may re-open  
estates, etc.

settlement, or so given such consent, receipt, discharge, certificate or other document.

Exemption  
from  
penalty.

- (2) Notwithstanding anything in this section contained, no executor or trustee, as such, who has previously transferred, in good faith, any of the property of a deceased person to the person beneficially entitled thereto, shall be liable to the penalty imposed by subsection 1 of section 17 of *The Succession Duty Act, 1934*.

Commence-  
ment of  
Act.

Ss. 5, 9 and  
10 retro-  
active.

- 11.** This Act shall come into force on the day upon which it receives the Royal Assent, and the provisions of sections 5, 9 and 10 shall have effect as from the 1st day of July, 1892.









BILL

An Act to amend The Succession  
Duty Act.

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*1st Reading*

April 9th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. HEBBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting the Hours of Labour and Three Platoon System  
for Firemen.

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MR. STRACHAN

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# BILL

## An Act respecting Hours of Labour and Three Platoon System for Firemen.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Fire Departments Act, 1935*.

Three platoon system.      **2.** Where in any city or town having a population of not less than 10,000 there is a permanent fire department, the officers and employees of which are regularly employed as firemen and paid by the municipal corporation, it shall be the duty of the chief, superintendent, commission or committee, as the case may be, to divide the members of the said fire department into three platoons. *New.*

Hours of labour.      **3.** Each such platoon shall work eight consecutive hours each day, and every seventh day shall commence work on that day and the ensuing six days at the time of day on which it stopped work during the previous seven days. *New.*

Limitation as to working hours.      **4.** No chief, superintendent, commission or committee of any such fire department shall require or request any platoon or part thereof to remain on duty for more than eight hours out of any twenty-four hour period except where a longer period of duty is required at the change of platoons. *New.*

No deduction of pay or holidays.      **5.** No deductions shall be made at any time from the pay or the holidays of the employees of a permanent fire department by reason of the provisions of this Act. R.S.O. 1927, c. 245, s. 3, *part.*

Employees of fire departments to be off duty one day in seven.      **6.** Where in any city, town or village there is a permanent fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where the three platoon system is in operation in any such fire department the twenty-four hours' release of any

#### EXPLANATORY NOTES

The present Fire Departments Act applies to all cities with a population of over 10,000 persons having a permanent fire department, and requires the department to be divided into two platoons so as to work on two shifts daily.

The purpose of the amendment is to require departments to work on a three-platoon system with three eight-hour shifts daily.



platoon at the change of platoons shall not be regarded as a day off for the purposes of this section. R.S.O. 1927, c. 245, s. 3, *part*.

Act to  
prevail over  
municipal  
regulations.

7. The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. R.S.O. 1927, c. 245, s. 4.

Penalty.

8. Every fire chief, superintendent, commission or committee of every such fire department who requires or requests an employee of the department to be on duty in violation of the provisions of this Act shall incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1927, c. 245, s. 5, *part*.

Repeal.

9. *The Fire Departments Act*, being chapter 245 of the Revised Statutes of Ontario, 1927, is hereby repealed.

Commence-  
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.







BILL

An Act respecting Hours of Labour and  
Three Platoon System for Firemen.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. STRACHAN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Relief Land Settlement.

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MR. HEPBURN

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No. 113

1935

# BILL

## An Act respecting Relief Land Settlement.

Preamble.

**W**HEREAS under and by virtue of an agreement entered into the 31st day of May, 1934, between the Honourable Wesley A. Gordon, Minister of Labour, acting on behalf of the Government of Canada, and the Honourable William Finlayson, Minister of Lands and Forests, acting on behalf of the Province of Ontario, certain measures were adopted for the relief of certain families in the Province by placing them on suitable farms at an expense borne by the Governments of Canada and Ontario, and the participating municipalities; and whereas it is desirable to confirm the said agreement and otherwise to enact in respect of the said measures;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Relief Land Settlement Act, 1935*.

Agreement confirmed.

**2.** The agreement, a copy of which is set out in Schedule "A" hereto, dated the 31st day of May, 1934, made between the Honourable Wesley A. Gordon, Minister of Labour for Canada, acting on behalf of the Government of Canada, and the Honourable William Finlayson, Minister of Lands and Forests for Ontario, acting on behalf of the Government of the Province of Ontario, is declared to be valid and binding, and the Government of Ontario is and shall since the 1st day of April, 1934, be deemed to have been authorized to do all things, make all appropriations and enter into all agreements authorized and required to carry out the said agreement.

Agreements binding upon municipalities.

**3.** Every agreement heretofore or hereafter entered into between the Government of the Province of Ontario, represented by the Minister of Lands and Forests, and any municipality for carrying out the terms of the said agreement dated the 31st day of May, 1934, shall be valid and binding upon such municipality and the ratepayers thereof to all intents and purposes.

#### EXPLANATORY NOTE

The bill validates the agreement dated May 31st, 1934, made between the Government of Canada and the Government of Ontario for the purpose of authorizing the expenditure of relief moneys to assist families to settle on land and authorizes agreements to be made between the Minister of Lands and Forests on behalf of the Province of Ontario and any municipality for the purpose of carrying out the provisions of the Act.

Funds to  
be set aside  
out of  
Consolidated  
Revenue  
Fund.

**4.**—(1) For the purpose of carrying out the provisions set out in the said agreement dated the 31st day of May, 1934, there shall be set aside out of the Consolidated Revenue Fund and applied, such sums from time to time as the Lieutenant-Governor in Council may direct.

Commence-  
ment of  
subs. 1.

(2) The provisions of subsection 1 shall be construed as if the same had been in force and taken effect on and from the 1st day of April, 1934.

Regulations.

**5.** The Lieutenant-Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary to carry out the purposes and intent of this Act.

Commence-  
ment of Act.

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.





## SCHEDULE "A"

Indenture of Agreement entered into this 31st day of May, A. D. 1934.

BETWEEN

THE GOVERNMENT OF THE DOMINION OF CANADA  
(hereinafter called the "Dominion") represented  
herein by the Honourable Wesley A. Gordon,  
Minister of Labour,

OF THE FIRST PART;

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO  
(hereinafter called the "Province"), represented  
herein by the Honourable William Finlayson,

OF THE SECOND PART.

Whereas the *Relief Act, 1934*, provides, *inter alia*, that the Governor in Council may pay out of the Consolidated Revenue Fund such moneys as may be necessary to carry out the purposes of the said Act;

And whereas the Province desires to enter into an agreement under the provisions of the said Act;

And whereas it is proposed that the Dominion Government, the Provincial Government and the municipality concerned shall participate in the expenditure of relief moneys which would otherwise be expended in the form of direct relief for the purpose of assisting selected families to settle upon the land and thus contribute to their own maintenance and eventually become self-supporting;

Now therefore it is mutually agreed by and between the parties hereto as follows:

1. The Dominion shall contribute one-third of an amount not to exceed \$600.00 per family for the purpose of providing a measure of self-sustaining relief to families who would otherwise be in receipt of direct relief by placing such families on the land, the remaining two-thirds of the expenditure to be contributed by the Province and the municipality concerned as may be decided between the Province and the municipality; the Dominion contribution to be non-recoverable expenditure.

Provided that in cases where the proposed settler is taken from a district or locality without municipal organization, the Province may pay in addition to the non-recoverable maximum contribution of \$200.00 from the Dominion, such sum as in the opinion of the Province may be necessary, but in no case shall the contribution made by the Province be less than the non-recoverable contribution of the Dominion.

2. The Dominion contribution shall be payable to the Province progressively as expenditures are made by the Province and municipality. The total expenditure on behalf of any one family during the first year shall not exceed \$500.00 for all purposes inclusive of subsistence and establishment, a minimum amount of \$100.00 to be withheld to provide subsistence if necessary during the second year.

3. The Dominion on the recommendation of the Province and with the approval of the Governor-in-Council may contribute as an additional non-recoverable expenditure one-third of an amount not exceeding \$100.00 in the case of a settler who may not be self-supporting at the expiration of the two-year period and for whom subsistence expenditure during the third year of settlement is deemed necessary; the remaining two-thirds of such expenditure to be contributed by the Province and municipality from which the settler was selected.

Provided that where the settler has been taken from a district without municipal organization, the Dominion and Province shall share equally



in the subsistence expenditure that may be required during the third year, the total expenditure per family not to exceed \$100.00.

4. No part of the total expenditure referred to in the preceding sections of this agreement shall be for the purpose of acquiring or renting land.

5. All families who may be assisted under the terms of this agreement shall be residents of Canada and shall be selected from those who would otherwise be in receipt of direct relief. The selection of families shall be made without discrimination by reason of political affiliation, race or religious views.

6. The Province shall be responsible for administration of relief settlement including the location and inspection of suitable farms, the selection of suitable families who shall be physically fit and qualified in other respects. The Province shall be responsible for the disbursement of funds to the families assisted, and the expenses of such administration shall be paid by the Province, and no part of the cost of administration and supervision shall be deducted from the maximum amount of \$600.00 set aside for subsistence and settlement of each family.

7. The Province shall set up an advisory committee upon which shall be included representatives of the Dominion Land Settlement Branch, the Colonization Branch of the Canadian Pacific Railway Company, and the Colonization Branch of the Canadian National Railways.

8. The Province agrees to furnish to the Dominion from time to time a schedule, or schedules, approved by the advisory committee, setting forth a list of the families to be assisted with particulars as to the location in which they are to be settled.

9. Statements of accounts for expenditures made by the Province in respect to families assisted pursuant to the provisions of this agreement shall be submitted by the Province to the Commissioner of Unemployment Relief accompanied by certificate of the appropriate Provincial authorities that expenditures have been duly made in accordance with such statement, and such statements and certificates shall be in the form prescribed by the Commissioner of Unemployment Relief.

10. The number of families to which self-sustaining relief shall be provided under the terms hereof shall be such as may be agreed upon from time to time between the Minister of Labour and the Province.

11. The Commissioner of Unemployment Relief, or the Auditor-General, may at any time call upon the Province to furnish such information as he may require in relation to statement of accounts rendered by the Province.

12. Subject to approval by the Governor-in-Council, this agreement shall be effective from April 1st, 1934, to provide continuity of settlement with the former agreement which expired March 31st, 1934, and shall continue in force until March 31st, 1936.

In witness whereof the Honourable Wesley A. Gordon, Minister of Labour, has hereunto set his hand on behalf of the Dominion of Canada, and the Honourable William Finlayson has hereunto set his hand on behalf of the Province of Ontario.

Signed on behalf of the Government  
of Canada by the Honourable  
Wesley A. Gordon, Minister of  
Labour,

In the presence of  
"W. M. DICKSON."

"W. A. GORDON."

Signed on behalf of the Province of  
Ontario by the Honourable Wm.  
Finlayson, Minister of Lands  
and Forests.

In the presence of  
"EVA HARRISON."

"W. FINLAYSON."









BILL

An Act respecting Relief Land Settlement

---

*1st Reading*

April 10th, 1935

*3rd Reading*

*3rd Reading*

---

MR. HEPBURN

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No. 113

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Relief Land Settlement.

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MR. HEPBURN

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TORONTO  
PRINTED BY T. E. BOWMAN  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 113

1935

# BILL

## An Act respecting Relief Land Settlement.

### Preamble.

**W**HEREAS under and by virtue of an agreement entered into the 31st day of May, 1934, between the Honourable Wesley A. Gordon, Minister of Labour, acting on behalf of the Government of Canada, and the Honourable William Finlayson, Minister of Lands and Forests, acting on behalf of the Province of Ontario, certain measures were adopted for the relief of certain families in the Province by placing them on suitable farms at an expense borne by the Governments of Canada and Ontario, and the participating municipalities; and whereas it is desirable to confirm the said agreement and otherwise to enact in respect of the said measures;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Short title.

**1.** This Act may be cited as *The Relief Land Settlement Act, 1935*.

### Agreement confirmed.

**2.** The agreement, a copy of which is set out in Schedule "A" hereto, dated the 31st day of May, 1934, made between the Honourable Wesley A. Gordon, Minister of Labour for Canada, acting on behalf of the Government of Canada, and the Honourable William Finlayson, Minister of Lands and Forests for Ontario, acting on behalf of the Government of the Province of Ontario, is declared to be valid and binding, and the Government of Ontario is and shall since the 1st day of April, 1934, be deemed to have been authorized to do all things, make all appropriations and enter into all agreements authorized and required to carry out the said agreement.

### Agreements binding upon municipalities.

**3.** Every agreement heretofore or hereafter entered into between the Government of the Province of Ontario, represented by the Minister of Lands and Forests, and any municipality for carrying out the terms of the said agreement dated the 31st day of May, 1934, shall be valid and binding upon such municipality and the ratepayers thereof to all intents and purposes.

4.—(1) For the purpose of carrying out the provisions set out in the said agreement dated the 31st day of May, 1934, there shall be set aside out of the Consolidated Revenue Fund and applied, such sums from time to time as the Lieutenant-Governor in Council may direct. <sup>Funds to be set aside out of Consolidated Revenue Fund.</sup>

(2) The provisions of subsection 1 shall be construed as if the same had been in force and taken effect on and from the 1st day of April, 1934. <sup>Commencement of subs. 1.</sup>

5. The Lieutenant-Governor in Council shall have full power to make all such orders and regulations as may be deemed necessary to carry out the purposes and intent of this Act. <sup>Regulations.</sup>

6. This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commencement of Act.</sup>



## SCHEDULE "A"

Indenture of Agreement entered into this 31st day of May, A. D. 1934.

BETWEEN

THE GOVERNMENT OF THE DOMINION OF CANADA  
(hereinafter called the "Dominion") represented  
herein by the Honourable Wesley A. Gordon,  
Minister of Labour,

OF THE FIRST PART;

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO  
(hereinafter called the "Province"), represented  
herein by the Honourable William Finlayson,

OF THE SECOND PART.

Whereas the *Relief Act, 1934*, provides, *inter alia*, that the Governor in Council may pay out of the Consolidated Revenue Fund such moneys as may be necessary to carry out the purposes of the said Act;

And whereas the Province desires to enter into an agreement under the provisions of the said Act;

And whereas it is proposed that the Dominion Government, the Provincial Government and the municipality concerned shall participate in the expenditure of relief moneys which would otherwise be expended in the form of direct relief for the purpose of assisting selected families to settle upon the land and thus contribute to their own maintenance and eventually become self-supporting;

Now therefore it is mutually agreed by and between the parties hereto as follows:

1. The Dominion shall contribute one-third of an amount not to exceed \$600.00 per family for the purpose of providing a measure of self-sustaining relief to families who would otherwise be in receipt of direct relief by placing such families on the land, the remaining two-thirds of the expenditure to be contributed by the Province and the municipality concerned as may be decided between the Province and the municipality; the Dominion contribution to be non-recoverable expenditure.

Provided that in cases where the proposed settler is taken from a district or locality without municipal organization, the Province may pay in addition to the non-recoverable maximum contribution of \$200.00 from the Dominion, such sum as in the opinion of the Province may be necessary, but in no case shall the contribution made by the Province be less than the non-recoverable contribution of the Dominion.

2. The Dominion contribution shall be payable to the Province progressively as expenditures are made by the Province and municipality. The total expenditure on behalf of any one family during the first year shall not exceed \$500.00 for all purposes inclusive of subsistence and establishment, a minimum amount of \$100.00 to be withheld to provide subsistence if necessary during the second year.

3. The Dominion on the recommendation of the Province and with the approval of the Governor-in-Council may contribute as an additional non-recoverable expenditure one-third of an amount not exceeding \$100.00 in the case of a settler who may not be self-supporting at the expiration of the two-year period and for whom subsistence expenditure during the third year of settlement is deemed necessary; the remaining two-thirds of such expenditure to be contributed by the Province and municipality from which the settler was selected.

Provided that where the settler has been taken from a district without municipal organization, the Dominion and Province shall share equally

in the subsistence expenditure that may be required during the third year, the total expenditure per family not to exceed \$100.00.

4. No part of the total expenditure referred to in the preceding sections of this agreement shall be for the purpose of acquiring or renting land.

5. All families who may be assisted under the terms of this agreement shall be residents of Canada and shall be selected from those who would otherwise be in receipt of direct relief. The selection of families shall be made without discrimination by reason of political affiliation, race or religious views.

6. The Province shall be responsible for administration of relief settlement including the location and inspection of suitable farms, the selection of suitable families who shall be physically fit and qualified in other respects. The Province shall be responsible for the disbursement of funds to the families assisted, and the expenses of such administration shall be paid by the Province, and no part of the cost of administration and supervision shall be deducted from the maximum amount of \$600.00 set aside for subsistence and settlement of each family.

7. The Province shall set up an advisory committee upon which shall be included representatives of the Dominion Land Settlement Branch, the Colonization Branch of the Canadian Pacific Railway Company, and the Colonization Branch of the Canadian National Railways.

8. The Province agrees to furnish to the Dominion from time to time a schedule, or schedules, approved by the advisory committee, setting forth a list of the families to be assisted with particulars as to the location in which they are to be settled.

9. Statements of accounts for expenditures made by the Province in respect to families assisted pursuant to the provisions of this agreement shall be submitted by the Province to the Commissioner of Unemployment Relief accompanied by certificate of the appropriate Provincial authorities that expenditures have been duly made in accordance with such statement, and such statements and certificates shall be in the form prescribed by the Commissioner of Unemployment Relief.

10. The number of families to which self-sustaining relief shall be provided under the terms hereof shall be such as may be agreed upon from time to time between the Minister of Labour and the Province.

11. The Commissioner of Unemployment Relief, or the Auditor-General, may at any time call upon the Province to furnish such information as he may require in relation to statement of accounts rendered by the Province.

12. Subject to approval by the Governor-in-Council, this agreement shall be effective from April 1st, 1934, to provide continuity of settlement with the former agreement which expired March 31st, 1934, and shall continue in force until March 31st, 1936.

In witness whereof the Honourable Wesley A. Gordon, Minister of Labour, has hereunto set his hand on behalf of the Dominion of Canada, and the Honourable William Finlayson has hereunto set his hand on behalf of the Province of Ontario.

Signed on behalf of the Government  
of Canada by the Honourable  
Wesley A. Gordon, Minister of  
Labour,

In the presence of  
"W. M. DICKSON."

"W. A. GORDON."

Signed on behalf of the Province of  
Ontario by the Honourable Wm.  
Finlayson, Minister of Lands  
and Forests.

In the presence of  
"EVA HARRISON."

"W. FINLAYSON."





BILL

An Act respecting Relief Land Settlement

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*1st Reading*

April 10th, 1935

*3rd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. HEPBURN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Municipal Amendment Act, 1935.

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MR. CROLL

---

No. 114

1935

# BILL

## The Municipal Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Municipal Amendment Act, 1935*.

Rev. Stat.,  
c. 233, s. 1,  
amended.

2.—(1) Section 1 of *The Municipal Act* is amended by adding thereto the following clause:

"Depart-  
ment."

(cc) "Department" shall mean the Department of Municipal Affairs for Ontario.

Substitution  
of Depart-  
ment for  
former  
Bureau of  
Municipal  
Affairs.

(2) Where in any provision of *The Municipal Act* reference is made to the Bureau of Municipal Affairs or to any officer thereof or to the Commissioner of Municipal Affairs such reference shall hereafter be deemed and construed to refer to the Department.

Rev. Stat.,  
c. 233, s. 229,  
subs. 3,  
re-enacted.

(3) Subsection 3 of section 229 of *The Municipal Act* is repealed and the following substituted therefor:

Returns by  
Department.

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.

Rev. Stat.,  
c. 233, s. 235,  
subs. 3,  
re-enacted.

(4) Subsection 3 of section 235 of *The Municipal Act* is repealed and the following substituted therefor:

Returns by  
Department.

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.

Rev. Stat.,  
c. 233, s. 307,  
subss. 1  
and 4,  
amended.

(5) Subsections 1 and 4 of section 307 of *The Municipal Act* as enacted by section 10 of *The Municipal Amendment Act, 1932*, are amended by striking out the words "Ontario Municipal Board" where they occur therein respectively and inserting in lieu thereof the word "Department."

#### EXPLANATORY NOTES

With the creation of a Department of Municipal Affairs, it is desirable that the Municipal Act now refer to such department instead of to the former Bureau and Commissioner.

Rev. Stat.,  
c. 233,  
s. 248a,  
subs. 2,  
amended.

**3.**—(1) Subsection 2 of section 248a of *The Municipal Act* as enacted by section 8 of *The Municipal Amendment Act, 1932*, is amended by striking out all the words of the said subsection after the word “Act” in the fourth line, so that the said subsection shall now read as follows:

Surety  
bonds of  
guarantee  
companies  
to be given.

Rev. Stat.,  
c. 230.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*.

Application  
of sub. 1.

(2) Subsection 1 shall apply to every security hereafter given or renewed as required by this section.

Rev. Stat.,  
c. 233, s. 397,  
para. 1,  
amended.

**4.** Paragraph 1 of section 397 of *The Municipal Act* as amended by section 26 of *The Municipal Amendment Act, 1931*, and by section 16 of *The Municipal Amendment Act, 1932*, is further amended by striking out the words “or a cold storage plant receiving financial aid by way of loan from the Department of Agriculture of the Province of Ontario” and inserting in lieu thereof the words “or the buildings and business of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them.”

Rev. Stat.,  
c. 233, s. 409,  
amended.

**5.** Section 409 of *The Municipal Act* is amended by adding thereto the following paragraph:

Aid to agri-  
cultural and  
other bodies.

10. For granting aid to any society, organization or body in the county having for its objects the promotion or protection of agriculture, education, or social welfare, where no specific authority for granting such aid is contained in any Statute; provided the amount of aid which may be granted under the authority of this paragraph shall in the aggregate not exceed \$5,000 in any year.

Rev. Stat.,  
c. 233, s. 414,  
para. 16,  
amended.

**6.** Paragraph 16 of section 414 of *The Municipal Act* is amended by striking out the word and figure “paragraph 4” in the second line and inserting in lieu thereof the words and figures “paragraphs 4 and 12.”

Rev. Stat.,  
c. 233,  
s. 431a,  
amended.

**7.**—(1) Section 431a of *The Municipal Act* as amended by section 36 of *The Municipal Amendment Act, 1931*, and section 19 of *The Municipal Amendment Act, 1932*, is further amended by adding after the word “townships” where it occurs in the heading to the said section the words “and villages.”

Rev. Stat.,  
c. 233,  
s. 431a,  
amended.

(2) The said section 431a is further amended by adding thereto the following clause:

The object of this amendment is to eliminate the giving of personal sureties by municipal officials and to require the bond of a surety company in every case. Experience shows that personal surety bonds offer little protection to the ratepayers if an official is dishonest or grossly negligent in his office.

This amendment is to enable a municipality to grant a fixed assessment for a cold storage plant and its business which is aided by the Dominion and Provincial Governments or either of them. At present a fixed assessment for such a plant can only be granted if it is ordered by a provincial loan. The land itself of such a cold storage undertaking is to be exempt from taxation under an amendment to *The Assessment Act*.

Doubt sometimes exists as to the extent to which county councils can assist societies which do valuable work in the county in agricultural, educational and welfare work. The amendment gives a county council a reasonable opportunity to foster such work in a practical way.

This amendment is to enable all local municipalities to license lending libraries. The power is now confined to cities and towns.

Some doubt exists as to the power to require coal dealers to take out a license if their coal yards are beyond the municipal limits. The amendment is to bring such dealers within the paragraph.



Dealers  
include  
persons  
taking orders  
or making  
deliveries.

- (b) For the purpose of this paragraph a by-law passed hereunder shall extend to include dealers in coal or coke who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver coal or coke within the municipality, and such dealers shall be subject to the provisions of the by-law.

Rev. Stat.,  
c. 233, s. 433,  
(1932, c. 29,  
s. 20),  
amended.      8. Section 433 of *The Municipal Act* as enacted by section 20 of *The Municipal Amendment Act, 1932*, is amended by adding thereto the following subsection:

Fees to  
members of  
utility  
commission.

- (3) The provisions of this section shall be deemed to have extended to authorize any payments heretofore made to members of the council for their services as members of any utility commission to which they were appointed under the authority of any general or special Act, and shall also extend to authorize future payments at the rates mentioned in subsection 1 to such members for their services as members of any such utility commission.

Rev. Stat.,  
c. 233, s. 495,  
para. 3,  
amended.      9.—(1) Paragraph 3 of section 495 of *The Municipal Act* is amended by adding after the word "highway" in the seventh line the words "and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks."

Rev. Stat.,  
c. 233, s. 495,  
para. 3, cl. b,  
amended.      (2) Clause *b* of paragraph 3 of the said section 495 is amended by adding after the word "structure" in the fourth line the words "sign or advertising device."

Commence-  
ment of Act.      10. This Act shall come into force on the day upon which it receives the Royal Assent.

When the amendment of 1932 which eliminated fees, etc., for attendance at meetings of committees of councils was passed, it was not intended to affect the right of members to fees, etc., for attendance at commission meetings. This amendment provides for payment of such fees being valid.

Most urban municipalities have passed by-laws relating to signs, etc., overhanging the sidewalks. Doubt has arisen as to the powers of councils in that respect, because no specific provision therefor has been made in the Act. This amendment is to confer such powers.

BILL

The Municipal Amendment Act, 1935

*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

MR. CROLL

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Municipal Amendment Act, 1935.

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MR. CROLL

---

No. 114

1935

# BILL

## The Municipal Amendment Act, 1935.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Municipal Amendment Act, 1935*.

Rev. Stat.,  
c. 233, s. 1,  
amended.

2.—(1) Section 1 of *The Municipal Act* is amended by adding thereto the following clause:

"Department."  
ment."

(cc) "Department" shall mean the Department of Municipal Affairs for Ontario.

Substitution  
of Department  
for former  
Bureau of  
Municipal  
Affairs.

(2) Where in any provision of *The Municipal Act* reference is made to the Bureau of Municipal Affairs or to any officer thereof or to the Commissioner of Municipal Affairs such reference shall hereafter be deemed and construed to refer to the Department.

Rev. Stat.,  
c. 233, s. 229,  
subs. 3,  
re-enacted.

(3) Subsection 3 of section 229 of *The Municipal Act* is repealed and the following substituted therefor:

Returns by  
Department,

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.

Rev. Stat.,  
c. 233, s. 235,  
subs. 3,  
re-enacted.

(4) Subsection 3 of section 235 of *The Municipal Act* is repealed and the following substituted therefor:

Returns by  
Department.

(3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.

Rev. Stat.,  
c. 233, s. 307,  
subss. 1  
and 4,  
amended.

(5) Subsections 1 and 4 of section 307 of *The Municipal Act* as enacted by section 10 of *The Municipal Amendment Act, 1932*, are amended by striking out the words "Ontario Municipal Board" where they occur therein respectively and inserting in lieu thereof the word "Department."



#### EXPLANATORY NOTES

With the creation of a Department of Municipal Affairs, it is desirable that the Municipal Act now refer to such department instead of to the former Bureau and Commissioner.

Rev. Stat.,  
c. 233, s. 53;  
subs. 1,  
cl. (r),  
(1931,  
c. 50, s. 6),  
and cl. (s),  
re-enacted.

3.—(1) Clause (r) of subsection 1 of section 53 of *The Municipal Act* as re-enacted by section 6 of *The Municipal Amendment Act, 1931*, and clause (s) of subsection 1 of the said section 53 are repealed and the following substituted therefor:

(r) An owner or tenant against the land in respect of which he qualifies there are at the time of the nomination any taxes of a preceding year or years overdue and unpaid.

(s) A tenant who at the time of the nomination owes more than three months rent upon the property in respect of which he qualifies.

(2) The said subsection 1 of section 53 is further amended by adding thereto the following clause:

(u) A person whose taxes in respect of an assessment for income or business at the time of the nomination are overdue and unpaid.

Rev. Stat.,  
c. 233,  
s. 248a,  
subs. 2,  
amended.

4.—(1) Subsection 2 of section 248a of *The Municipal Act* as enacted by section 8 of *The Municipal Amendment Act, 1932*, is amended by striking out all the words of the said subsection after the word "Act" in the fourth line, so that the said subsection shall now read as follows:

Surety  
bonds of  
guarantee  
companies  
to be given.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*.

Rev. Stat.,  
c. 230.

Application  
of sub. 1.

(2) Subsection 1 shall apply to every security hereafter given or renewed as required by this section.

Rev. Stat.,  
c. 233, s. 397,  
para. 1,  
amended.

5. Paragraph 1 of section 397 of *The Municipal Act* as amended by section 26 of *The Municipal Amendment Act, 1931*, and by section 16 of *The Municipal Amendment Act, 1932*, is further amended by striking out the words "or a cold storage plant receiving financial aid by way of loan from the Department of Agriculture of the Province of Ontario" and inserting in lieu thereof the words "or the land and business of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them."

Rev. Stat.,  
c. 233, s. 409,  
amended.

6. Section 409 of *The Municipal Act* is amended by adding thereto the following paragraph:

Aid to agri-  
cultural and  
other bodies.

10. For granting aid to any society, organization or body in the county having for its objects the promotion or protection of agriculture, education, or social welfare, where no specific authority for granting such

The object of this amendment is to eliminate the giving of personal sureties by municipal officials and to require the bond of a surety company in every case. Experience shows that personal surety bonds offer little protection to the ratepayers if an official is dishonest or grossly negligent in his office.

This amendment is to enable a municipality to grant a fixed assessment for a cold storage plant and its business which is aided by the Dominion and Provincial Governments or either of them. At present a fixed assessment for such a plant can only be granted if it is ordered by a provincial loan. The land itself of such a cold storage undertaking is to be exempt from taxation under an amendment to *The Assessment Act*.

Doubt sometimes exists as to the extent to which county councils can assist societies which do valuable work in the county in agricultural, educational and welfare work. The amendment gives a county council a reasonable opportunity to foster such work in a practical way.

aid is contained in any Statute; provided the amount of aid which may be granted under the authority of this paragraph shall in the aggregate not exceed \$5,000 in any year.

Rev. Stat.,  
c. 233, s. 414,  
para. 16,  
amended.

7. Paragraph 16 of section 414 of *The Municipal Act* is amended by striking out the word and figure "paragraph 4" in the second line and inserting in lieu thereof the words and figures "paragraphs 4 and 12."

Establish-  
ment of joint  
fire brigade  
by municip-  
alities

8. Section 415 of *The Municipal Act* is amended by adding thereto the following paragraph:

36. For entering into a contract with the corporation of any other municipality or municipalities for establishing, providing and maintaining, jointly, a fire brigade, fire halls, fire engines, apparatus and equipment and for the maintenance and use thereof upon such basis as to the distribution of cost as the contract may stipulate.

(a) Each municipality shall issue its own debentures for its share of the capital cost of providing the said fire services, and the provisions of paragraphs 1 to 3a shall be applicable.

Rev. Stat.,  
c. 233, s. 429,  
para. 6,  
clause (d),  
amended.

9. Clause *d* of paragraph 6 of section 429 of *The Municipal Act* as enacted by section 12 of *The Municipal Amendment Act, 1929*, and as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1933*, is further amended by inserting therein after the words "fee to be paid" in the first line the words "by a transient trader," so that the said clause shall now read as follows:—

(d) Subject to the provisions of clause *dd* the fee to be paid by a transient trader for the license shall not be less than \$100 in any municipality and shall not exceed in a city or town \$500 and in a township or village \$300.

Rev. Stat.,  
c. 233,  
s. 431a,  
amended.

10.—(1) Section 431a of *The Municipal Act* as amended by section 36 of *The Municipal Amendment Act, 1931*, and section 19 of *The Municipal Amendment Act, 1932*, is further amended by adding after the word "townships" where it occurs in the heading to the said section the words "and villages."

Rev. Stat.,  
c. 233,  
s. 431a,  
para. 1,  
amended.

(2) Paragraph 1 of section 431a of *The Municipal Act* is amended by striking out all the words and figures after the word "dealer" in the third line, so that the said paragraph shall now read as follows:

This amendment is to enable all local municipalities to license lending libraries. The power is now confined to cities and towns.

#### NOTE

Paragraphs 5 and 6 of Section 429 provide for licenses to transient traders and other persons whose names are not on the assessment roll in respect of income or business assessment.

By clause (d) the license fee shall not be less than \$100.

The purpose of this amendment is not to disturb the existing provisions as to amount of license fee applicable to transient traders but to remove such restriction so far as it applies to residents of the municipality commencing business, so that such residents, instead of being required to pay a fee of \$100 before commencing business, may be required to pay some lesser sum as may be fixed by the Council more commensurate with the amount of the business tax.

#### NOTE

Section 431a authorizes the licensing of dealers in coal or coke by the Commissioners of Police in cities of 100,000 population and by councils of other cities and of townships bordering on cities of 100,000 population. The section also authorizes the revoking or suspending of the license of a dealer who has been convicted of an offence against any provision of the by-law or of any by-law passed under paragraph 11 of section 400. Dealers are frequently convicted of selling short-weight not under the authority of paragraph 11 of section 400 but under a by-law regulating the weighing and measuring of coal and other fuel passed under paragraph 6 of section 400. The license can not now be cancelled for a breach of such by-law. This amendment will give authority to cancel or suspend the license of a dealer convicted for selling short-weight.

Some doubt exists as to the power to require coal dealers to take out a license if their coal yards are beyond the municipal limits. The amendment is to bring such dealers within the paragraph.



Licensing,  
etc., coal and  
coke dealers.

1. For licensing, regulating and governing dealers in coal or coke and for revoking or suspending the license of any such dealer.

Rev. Stat.,  
c. 233,  
s. 431a,  
amended.

- (3) The said section 431a is further amended by adding thereto the following clause:

Dealers  
include  
persons  
taking orders  
or making  
deliveries.

- (b) For the purpose of this paragraph a by-law passed hereunder shall extend to include dealers in coal or coke who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver coal or coke within the municipality, and such dealers shall be subject to the provisions of the by-law.

Rev. Stat.,  
c. 233, s. 433,  
(1932, c. 29,  
s. 20),  
amended.

11. Section 433 of *The Municipal Act* as enacted by section 20 of *The Municipal Amendment Act, 1932*, is amended by adding thereto the following subsection:

Fees to  
members of  
utility  
commission.

- (3) The provisions of this section shall be deemed to have extended to authorize any payments heretofore made to members of the council for their services as members of any utility commission to which they were appointed under the authority of any general or special Act, and shall also extend to authorize future payments at the rates mentioned in subsection 1 to such members for their services as members of any such utility commission.

Rev. Stat.,  
c. 233, s. 495,  
para. 3,  
amended.

- 12.—(1) Paragraph 3 of section 495 of *The Municipal Act* is amended by adding after the word "highway" in the seventh line the words "and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks."

Rev. Stat.,  
c. 233, s. 495,  
para. 3, cl. b,  
amended.

- (2) Clause *b* of paragraph 3 of the said section 495 is amended by adding after the word "structure" in the fourth line the words "sign or advertising device."

Commence-  
ment of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

When the amendment of 1932 which eliminated fees, etc., for attendance at meetings of committees of councils was passed, it was not intended to affect the right of members to fees, etc., for attendance at commission meetings. This amendment provides for payment of such fees being valid.

Most urban municipalities have passed by-laws relating to signs, etc., overhanging the sidewalks. Doubt has arisen as to the powers of councils in that respect, because no specific provision therefor has been made in the Act. This amendment is to confer such powers.





BILL

The Municipal Amendment Act, 1935

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

---

MR. CROLL

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*(Reprinted with suggested amendments for  
consideration by Committee of the  
Whole House)*



1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Municipal Amendment Act, 1935.

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MR. CROLL

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No. 114

1935

# BILL

## The Municipal Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Municipal Amendment Act, 1935.*

Rev. Stat.,  
c. 233, s. 1,  
amended.      **2.—(1)** Section 1 of *The Municipal Act* is amended by adding thereto the following clause:

"Department."  
                    (cc) "Department" shall mean the Department of Municipal Affairs for Ontario.

Substitution  
of Depart-  
ment for  
former  
Bureau of  
Municipal  
Affairs.      (2) Where in any provision of *The Municipal Act* reference is made to the Bureau of Municipal Affairs or to any officer thereof or to the Commissioner of Municipal Affairs such reference shall hereafter be deemed and construed to refer to the Department.

Rev. Stat.,  
c. 233, s. 229,  
subs. 3,  
re-enacted.      (3) Subsection 3 of section 229 of *The Municipal Act* is repealed and the following substituted therefor:

Returns by  
Department,      (3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.

Rev. Stat.,  
c. 233, s. 235,  
subs. 3,  
re-enacted.      (4) Subsection 3 of section 235 of *The Municipal Act* is repealed and the following substituted therefor:

Returns by  
Department.      (3) The Department shall cause to be prepared annually a tabulated statement of the returns which shall be laid before the Assembly.

Rev. Stat.,  
c. 233, s. 307,  
subss. 1  
and 4,  
(1932, c. 29,  
s. 10),  
amended.      (5) Subsections 1 and 4 of section 307 of *The Municipal Act* as enacted by section 10 of *The Municipal Amendment Act, 1932*, are amended by striking out the words "Ontario Municipal Board" where they occur therein respectively and inserting in lieu thereof the word "Department."

3.—(1) Clause (r) of subsection 1 of section 53 of *The Municipal Act* as re-enacted by section 6 of *The Municipal Amendment Act, 1931*, and clause (s) of subsection 1 of the said section 53 are repealed and the following substituted therefor: Rev. Stat., c. 233, s. 53, subs. 1, cl. r, (1931, c. 50, s. 6), and cl. s, re-enacted.

(r) An owner or tenant against the land in respect of which he qualifies there are at the time of the nomination any taxes of a preceding year or years overdue and unpaid.

(s) A tenant who at the time of the nomination owes more than three months rent upon the property in respect of which he qualifies.

(2) The said subsection 1 of section 53 is further amended by adding thereto the following clause: Rev. Stat., c. 233, s. 53, subs. 1, amended.

(u) A person whose taxes in respect of an assessment for income or business at the time of the nomination are overdue and unpaid.

4.—(1) Subsection 2 of section 248a of *The Municipal Act* as enacted by section 8 of *The Municipal Amendment Act, 1932*, is amended by striking out all the words of the said subsection after the word "Act" in the fourth line, so that the said subsection shall now read as follows: Rev. Stat., c. 233, s. 248a, subs. 2, amended.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company within the meaning of *The Guarantee Companies Securities Act*. Surety bonds of guarantee companies to be given. Rev. Stat., c. 230.

(2) Subsection 1 shall apply to every security hereafter given or renewed as required by this section. Application of sub. 1.

5. Paragraph 1 of section 397 of *The Municipal Act* as amended by section 26 of *The Municipal Amendment Act, 1931*, and by section 16 of *The Municipal Amendment Act, 1932*, is further amended by striking out the words "or a cold storage plant receiving financial aid by way of loan from the Department of Agriculture of the Province of Ontario" and inserting in lieu thereof the words "or the land and business of a cold storage plant to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario or either of them." Rev. Stat., c. 233, s. 397, para. 1, amended.

6. Section 409 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 233, s. 409, amended.

10. For granting aid to any society, organization or body in the county having for its objects the promotion or protection of agriculture, education, or social welfare, where no specific authority for granting such Aid to agricultural and other bodies.

aid is contained in any Statute; provided the amount of aid which may be granted under the authority of this paragraph shall in the aggregate not exceed \$5,000 in any year.

Rev. Stat.,  
c. 233, s. 414,  
para. 16,  
(1933,  
c. 37, s. 14),  
amended.

7. Paragraph 16 of section 414 of *The Municipal Act* as enacted by section 14 of *The Municipal Amendment Act, 1933*, is amended by striking out the word and figure "paragraph 4" in the second line and inserting in lieu thereof the words and figures "paragraphs 4 and 12."

Rev. Stat.,  
c. 233, s. 15,  
amended.

8. Section 415 of *The Municipal Act* is amended by adding thereto the following paragraph:

Establish-  
ment of joint  
fire brigade  
by municip-  
alities

3b. For entering into a contract with the corporation of any other municipality or municipalities for establishing, providing and maintaining, jointly, a fire brigade, fire halls, fire engines, apparatus and equipment and for the maintenance and use thereof upon such basis as to the distribution of cost as the contract may stipulate.

(a) Each municipality shall issue its own debentures for its share of the capital cost of providing the said fire services, and the provisions of paragraphs 1 to 3a shall be applicable.

Rev. Stat.,  
c. 233,  
s. 431a,  
(1928,  
c. 37, s. 16),  
amended.

9.—(1) Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928* and amended by section 36 of *The Municipal Amendment Act, 1931*, and section 19 of *The Municipal Amendment Act, 1932*, is further amended by adding after the word "townships" where it occurs in the heading to the said section the words "and villages."

Rev. Stat.,  
c. 233,  
s. 431a,  
para. 1,  
(1928,  
c. 37, s. 16),  
amended.

(2) Paragraph 1 of the said section 431a is amended by striking out all the words and figures after the word "dealer" in the third line, so that the said paragraph shall now read as follows:

Licensing,  
etc., coal and  
coke dealers.

1. For licensing, regulating and governing dealers in coal or coke and for revoking or suspending the license of any such dealer.

Rev. Stat.,  
c. 233,  
s. 431a,  
(1928,  
c. 37, s. 16),  
amended.

(3) The said section 431a is further amended by adding thereto the following clause:

Dealers  
include  
persons  
taking orders  
or making  
deliveries.

(b) For the purpose of this paragraph a by-law passed hereunder shall extend to include dealers in coal or coke who by themselves or their employees, agents, canvassers or solicitors take orders for or deliver coal or coke within the municipality, and such dealers shall be subject to the provisions of the by-law.



**10.** Section 433 of *The Municipal Act* as enacted by section 20 of *The Municipal Amendment Act, 1932*, is amended by adding thereto the following subsection: Rev. Stat., c. 233, s. 433, (1932, c. 29, s. 20), amended.

- (3) The provisions of this section shall be deemed to have extended to authorize any payments heretofore made to members of the council for their services as members of any utility commission to which they were appointed under the authority of any general or special Act, and shall also extend to authorize future payments at the rates mentioned in subsection 1 to such members for their services as members of any such utility commission. Fees to members of utility commission.

**11.**—(1) Paragraph 3 of section 495 of *The Municipal Act* is amended by adding after the word "highway" in the seventh line the words "and for permitting the owners of land to maintain and use signs and other advertising devices which project over the sidewalks." Rev. Stat., c. 233, s. 495, para. 3, amended.

(2) Clause *b* of paragraph 3 of the said section 495 is amended by adding after the word "structure" in the fourth line the words "sign or advertising device." Rev. Stat., c. 233, s. 495, para. 3, cl. b, amended.

**12.** This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.







BILL

The Municipal Amendment Act, 1935

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 17th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Assessment Amendment Act, 1935.

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MR. CROLL

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No. 115

1935

# BILL

## The Assessment Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Short title.      **1.** This Act may be cited as *The Assessment Amendment Act, 1935.*

Rev. Stat.,  
c. 238, s. 4,  
amended.      **2.** Section 4 of *The Assessment Act* is amended by adding thereto the following paragraph:

Lands of  
cold  
storage  
plant.

**26.** The land of a corporation, which occupies the same for the purposes of carrying on a cold storage plant, if such corporation is one to which aid by way of loan or grant has been or is being given by the Governments of Canada and Ontario, or either of them; provided that such exemption shall not apply to any building or structure erected or placed thereon which shall be subject to assessment and taxation unless exempted under the provisions of section 397 of *The Municipal Act*.

Rev. Stat.,  
c. 233.

Rev. Stat.,  
c. 238, s. 83,  
subs. 1,  
amended.      **3.** Subsection 1 of section 83 of *The Assessment Act* is amended by adding after the word "judge" in the seventh line the words "or the municipal corporation."

Rev. Stat.,  
c. 238, s. 111,  
subs. 2,  
amended.      **4.—(1)** Subsection 2 of section 111 of *The Assessment Act* is amended by striking out the word "five" in the seventh line and inserting in lieu thereof the word "four."

Rev. Stat.,  
c. 238, s. 111,  
subs. 3,  
amended.      **(2)** Subsection 3 of the said section 111 is amended by striking out the words "discount or" in the first line and by striking out the word "five" in the fourth line and inserting in lieu thereof the word "four."

Rev. Stat.,  
c. 238, s. 111,  
subs. 4,  
amended.      **(3)** Subsection 4 of the said section 111 is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "six."



#### EXPLANATORY NOTES

The object of this amendment is to foster cold storage plants which receive government aid. The exemption is confined to the land only unless the municipality also grants exemption to buildings under *The Municipal Act*.

Doubt has always existed as to whether a municipality as well as a property owner could enter an assessment appeal to the Municipal Board. It is advisable to settle the matter and provide definitely that the municipality does have such right of appeal.

The percentage to be added for non-payment of taxes is reduced from 5 per cent. to 4 per cent. to accord with the new scale of interest and penalties provided for by new Section 143 of the Act—See clause of this Bill and explanatory notes thereto.

Subsection 3 of Section 111 as the context shows should apply only to percentages added to taxes by way of penalty and not to discounts. It is advisable therefore to strike out the reference to discounts and thus avoid ambiguity.

To induce prepayment of taxes it is desirable to increase the discount from 5 per cent. per annum to 6 per cent. per annum. Substantial prepayments of taxes tends to avoid borrowing heavily at the commencement of the year.

Rev. Stat.,  
c. 238,  
s. 120a,  
subs. 11  
(1934,  
c. 1, s. 8),  
re-enacted.

Levying  
of the rate.

5.—(1) Subsection 11 of section 120a of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1934*, is repealed and the following substituted therefor:

- (11) Notwithstanding any provision of *The Municipal Act* or of this Act or of any other Act or of any by-law, where a council has passed a by-law under the authority of this section it shall not be necessary for such council to levy rates on the whole rateable property according to the last revised assessment roll, but the rates required to be levied in each year may be levied either before or after the completion of the special roll of taxable income upon such rateable property, exclusive of income assessment, and upon the taxable income entered in such special roll, and where such rates are levied before the completion of the special roll of taxable income the council may for the purpose of fixing such rates estimate the amount of income that will be entered in such special roll; Provided that when a rate has been levied in any year either under the authority of this section or upon income included as rateable property in the last revised assessment roll, no other rate upon income shall be levied by the council for the same purposes in the same year.

Proviso.

Subsection 1,  
retroactive.

- (2) Subsection 1 shall be deemed to have come into force and taken effect on, from and after the 2nd day of April, 1934.

Rev. Stat.,  
c. 238, s. 143,  
re-enacted.

6. Section 143 of *The Assessment Act* as amended by section 10 of *The Assessment Amendment Act, 1933*, and by section 9 of *The Assessment Amendment Act, 1934*, is repealed and the following substituted therefor:

Interest on  
tax arrears.

- 143.—(1) Irrespective of and in addition to any percentage charge imposed under the provisions of section 111, in every municipality the treasurer or the collector, if the rolls are unreturned, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of one per centum per calendar month or fraction thereof from the 31st day of December in the year in which such taxes are levied until such taxes are paid.

Interest,  
etc.,  
not to be  
compounded.

- (2) No interest or percentage added to taxes shall be compounded.

Interest,  
etc., to form  
part of  
taxes.

- (3) Interest and percentages added to taxes shall form part of such taxes and be collected as taxes.

The re-writing of subsection 11 of Section 120a is merely for the purpose of correction so that the tax rate covering the annual estimates will apply to the special income tax roll, even if it is not completed and has to be estimated. No other change in substance is made.

Under the present rates as to tax penalties and interest there is a difference between cities and other municipalities. In cities in addition to a by-law penalty which may be up to 5 per cent. for non-payment of taxes on due dates, interest at  $\frac{1}{2}$  of 1 per cent. per month is added after 1st May of the following year.

In other municipalities the penalty to be added is a straight 10 per cent. added on 1st May of each year. If a by-law penalty has been added it is taken into account when the first 10 per cent. penalty is added so that the total penalty does not exceed 10 per cent. for the first year.

Illustrations of how these present rules work are shown:

City—Taxes for 1935.....	\$100.00
By-law penalty added, 1935.....	5.00
Interest 1st May, 1936, to 31st December, 1936.....	4.00
	<hr/>
	\$109.00
Interest for 1937.....	6.00
	<hr/>
	\$115.00
Interest for 1938.....	6.00
	<hr/>
	<u>\$121.00</u>
Town, Village or Township—Taxes for 1935.....	\$100.00
By-law penalty added, 1935.....	5.00
Penalty added 1st May for 1936.....	5.00
	<hr/>
	\$110.00
Penalty added 1st May for 1937.....	10.00
	<hr/>
	\$120.00
Penalty added 1st May for 1938.....	10.00
	<hr/>
	<u>\$130.00</u>

It is proposed by this Bill to make the penalty uniform in every municipality by providing that in addition to the by-law penalty up to 4 per cent. which may be added for non-payment of taxes on due date, interest shall be added after 31st December at  $\frac{1}{2}$  of 1 per cent. per month.

Illustration of how new rate will work:

Any Municipality—Taxes for 1935.....	\$100.00
By-law penalty added, 1935.....	4.00
Interest from 1st January for 1936.....	6.00
	<hr/>
	\$110.00
Interest for 1937.....	6.00
	<hr/>
	\$116.00
Interest for 1938.....	6.00
	<hr/>
	<u>\$122.00</u>

Under the new rule the penalty in cities is slightly increased in the first year only and not thereafter. In other municipalities the penalty is reduced to a more reasonable rate.

County  
treasurer  
to add  
interest.

- (4) After taxes have been returned to the County Treasurer he shall add interest thereto as provided by this section.

Rev. Stat.,  
c. 238, s. 152,  
(1934,  
c. 1, s. 11),  
amended.

7. Section 152 of *The Assessment Act* as re-enacted by section 11 of *The Assessment Act, 1934*, is amended by adding thereto the following subsection:

Notice to  
be given  
of place  
and date  
of sale.

- (6) The list published as required by this section and posted as required by section 154 shall contain a notification that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes on a day and at a place named in such notification.

Rev. Stat.,  
c. 238, s. 173,  
amended.

8. Section 173 of *The Assessment Act* is amended by adding after the word "treasurer" in the sixth line the words "for the use and benefit of the purchaser, or his legal representatives."

Commence-  
ment of  
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

The amendment relates to the list which has to be published before a tax sale is held. The requirement that the list should contain a notification as to the date and place of sale was overlooked when the amendments were made in 1934. It is desirable that such notification be published.

When the Act was revised some years ago, the words added by this clause were by some mischance omitted. Their inclusion is necessary for the proper construction of the section.



BILL

The Assessment Amendment Act, 1935

---

*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

---

No. 115

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Assessment Amendment Act, 1935.

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MR. CROLL

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TORONTO  
PRINTED BY T. E. BOWMAN  
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No. 115

1935

# BILL

## The Assessment Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Short title.

1. This Act may be cited as *The Assessment Amendment Act, 1935*.

Rev. Stat.,  
c. 238, s. 4,  
amended.

2.—(1) Section 4 of *The Assessment Act* is amended by adding thereto the following paragraph:

Buildings of  
cold  
storage  
plant.

26. The buildings and other structures erected or placed upon the lands of a corporation which occupies the same for the purposes of carrying on a cold storage plant, if such corporation is or has been aided by way of loan or grant by the Governments of Canada and Ontario, or either of them; provided that such exemption shall not apply to the land upon which such buildings or structures are erected or placed except to the extent the same may be exempted under the provisions of section 397 of *The Municipal Act*.

Rev. Stat.,  
c. 233.

(2) Paragraph 4 of the said section 4 is repealed and the following substituted therefor:

Rev. Stat.,  
c. 238, s. 4,  
par. 4,  
re-enacted.

Seminaries  
of learning.

4. The land not exceeding twenty acres of a seminary of learning maintained and actually and *bona fide* occupied and used for philanthropic, religious or educational purposes, the whole revenues from which seminary are devoted or applied to such purposes, but such exemption shall not apply to any land which is in the occupation of any lessee or tenant or of any person who receives or is entitled to receive any part of the revenues derivable therefrom or to any land which is not in the sole and exclusive occupancy of the seminary and put to some actual philanthropic, religious or educational use.

#### EXPLANATORY NOTES

The object of this amendment is to foster cold storage plants which receive government aid. The exemption is confined to the land only unless the municipality also grants exemption to buildings under *The Municipal Act*.

Doubt has always existed as to whether a municipality as well as a property owner could enter an assessment appeal to the Municipal Board. It is advisable to settle the matter and provide definitely that the municipality does have such right of appeal.

The percentage to be added for non-payment of taxes is reduced from 5 per cent. to 4 per cent. to accord with the new scale of interest and penalties provided for by new Section 143 of the Act—See clause of this Bill and explanatory notes thereto.

In many of the municipalities of Ontario a considerable acreage of land has been acquired and is held by seminaries of learning and in many cases a goodly portion thereof is not in actual use for the purpose of carrying on any philanthropic, religious or educational undertaking thereon.

All of this property becomes exempt from municipal taxation under the provisions of the existing paragraph 4 of section 4 of *The Assessment Act* and the exemptions have now reached a point where they become somewhat alarming to the municipality.

The object of this Bill is to reduce such exemptions to a reasonable scale by providing that not more than twenty acres of the property of any seminary will be exempt and to limit the exemption to such lands as are actually devoted and used for the purposes of a seminary.

This Bill will therefore make taxable, for instance, lands held by a seminary which are used for ordinary farm purposes, etc.

Rev. Stat.,  
c. 238, s. 83,  
subs. 1,  
amended.

3. Subsection 1 of section 83 of *The Assessment Act* is amended by adding after the word "judge" in the seventh line the words "or the municipal corporation."

Rev. Stat.,  
c. 238, s. 111,  
subs. 2,  
amended.

4.—(1) Subsection 2 of section 111 of *The Assessment Act* is amended by striking out the word "five" in the seventh line and inserting in lieu thereof the word "four."

Rev. Stat.,  
c. 238, s. 111,  
subs. 3,  
amended.

(2) Subsection 3 of the said section 111 is amended by striking out the words "discount or" in the first line and by striking out the word "five" in the fourth line and inserting in lieu thereof the word "four."

Rev. Stat.,  
c. 238, s. 111,  
subs. 4,  
amended.

(3) Subsection 4 of the said section 111 is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "six."

Rev. Stat.,  
c. 238,  
s. 120a,  
subs. 11  
(1934,  
c. 1, s. 8),  
re-enacted.

5.—(1) Subsection 11 of section 120a of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1934*, is repealed and the following substituted therefor:

Levying  
of the rate.

(11) Notwithstanding any provision of *The Municipal Act* or of this Act or of any other Act or of any by-law, where a council has passed a by-law under the authority of this section it shall not be necessary for such council to levy rates on the whole rateable property according to the last revised assessment roll, but the rates required to be levied in each year may be levied either before or after the completion of the special roll of taxable income upon such rateable property, exclusive of income assessment, and upon the taxable income entered in such special roll, and where such rates are levied before the completion of the special roll of taxable income the council may for the purpose of fixing such rates estimate the amount of income that will be entered in such special roll; Provided that when a rate has been levied in any year either under the authority of this section or upon income included as rateable property in the last revised assessment roll, no other rate upon income shall be levied by the council for the same purposes in the same year.

Proviso.

Subsection 1,  
retroactive.

(2) Subsection 1 shall be deemed to have come into force and taken effect on, from and after the 2nd day of April, 1934.

Rev. Stat.,  
c. 238, s. 143,  
re-enacted.

6. Section 143 of *The Assessment Act* as amended by section 10 of *The Assessment Amendment Act, 1933*, and by section 9 of *The Assessment Amendment Act, 1934*, is repealed and the following substituted therefor:



Subsection 3 of Section 111 as the context shows should apply only to percentages added to taxes by way of penalty and not to discounts. It is advisable therefore to strike out the reference to discounts and thus avoid ambiguity.

To induce prepayment of taxes it is desirable to increase the discount from 5 per cent. per annum to 6 per cent. per annum. Substantial prepayments of taxes tends to avoid borrowing heavily at the commencement of the year.

The re-writing of subsection 11 of Section 120a is merely for the purpose of correction so that the tax rate covering the annual estimates will apply to the special income tax roll, even if it is not completed and has to be estimated. No other change in substance is made.

Under the present rates as to tax penalties and interest there is a difference between cities and other municipalities. In cities in addition to a by-law penalty which may be up to 5 per cent. for non-payment of taxes on due dates, interest at  $\frac{1}{2}$  of 1 per cent. per month is added after 1st May of the following year.

In other municipalities the penalty to be added is a straight 10 per cent. added on 1st May of each year. If a by-law penalty has been added it is taken into account when the first 10 per cent. penalty is added so that the total penalty does not exceed 10 per cent. for the first year.

Illustrations of how these present rules work are shown:

City—Taxes for 1935.....	\$100.00
By-law penalty added, 1935.....	5.00
Interest 1st May, 1936, to 31st December, 1936.....	4.00
	<hr/>
	\$109.00
Interest for 1937.....	6.00
	<hr/>
	\$115.00
Interest for 1938.....	6.00
	<hr/>
	\$121.00
	<hr/>
Town, Village or Township—Taxes for 1935.....	\$100.00
By-law penalty added, 1935.....	5.00
Penalty added 1st May for 1936.....	5.00
	<hr/>
	\$110.00
Penalty added 1st May for 1937.....	10.00
	<hr/>
	\$120.00
Penalty added 1st May for 1938.....	10.00
	<hr/>
	\$130.00
	<hr/>

It is proposed by this Bill to make the penalty uniform in every municipality by providing that in addition to the by-law penalty up to 4 per cent. which may be added for non-payment of taxes on due date, interest shall be added after 31st December at  $\frac{1}{2}$  of 1 per cent. per month.

Interest on  
tax arrears.

143.—(1) Irrespective of and in addition to any percentage charge imposed under the provisions of section 111, in every municipality the treasurer or the collector, if the rolls are unreturned, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of one per centum per calendar month or fraction thereof from the 31st day of December in the year in which such taxes are levied until such taxes are paid.

Interest,  
etc.,  
not to be  
compounded.

(2) No interest or percentage added to taxes shall be compounded.

Interest,  
etc., to form  
part of  
taxes.

(3) Interest and percentages added to taxes shall form part of such taxes and be collected as taxes.

County  
treasurer  
to add  
interest.

(4) After taxes have been returned to the County Treasurer he shall add interest thereto as provided by this section.

Rev. Stat.,  
c. 238, s. 152,  
(1934,  
c. 1, s. 11),  
amended.

7. Section 152 of *The Assessment Act* as re-enacted by section 11 of *The Assessment Act, 1934*, is amended by adding thereto the following subsection:

Notice to  
be given  
of place  
and date  
of sale.

(6) The list published as required by this section and posted as required by section 154 shall contain a notification that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes on a day and at a place named in such notification.

Rev. Stat.,  
c. 238, s. 173,  
amended.

8. Section 173 of *The Assessment Act* is amended by adding after the word "treasurer" in the sixth line the words "for the use and benefit of the purchaser, or his legal representatives."

Commence-  
ment of  
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Illustration of how new rate will work:

Any Municipality—Taxes for 1935.....	\$100.00
By-law penalty added, 1935.....	4.00
Interest from 1st January for 1936.....	6.00
	<hr/>
	\$110.00
Interest for 1937.....	6.00
	<hr/>
	\$116.00
Interest for 1938.....	6.00
	<hr/>
	\$122.00

Under the new rule the penalty in cities is slightly increased in the first year only and not thereafter. In other municipalities the penalty is reduced to a more reasonable rate.

The amendment relates to the list which has to be published before a tax sale is held. The requirement that the list should contain a notification as to the date and place of sale was overlooked when the amendments were made in 1934. It is desirable that such notification be published.

When the Act was revised some years ago, the words added by this clause were by some mischance omitted. Their inclusion is necessary for the proper construction of the section.

BILL

The Assessment Amendment Act, 1935

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

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MR. CROLL

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*(Reprinted with suggested amendments for  
consideration by Committee of the  
Whole House)*

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Assessment Amendment Act, 1935.

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MR. CROLL

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No. 115

1935

# BILL

## The Assessment Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Short title.      **1.** This Act may be cited as *The Assessment Amendment Act, 1935.*

Rev. Stat.,  
c. 238, s. 4,  
amended.      **2.** Section 4 of *The Assessment Act* is amended by adding thereto the following paragraph:

Buildings of  
cold  
storage  
plant.

**26.** The buildings and other structures erected or placed upon the lands of a corporation which occupies the same for the purposes of carrying on a cold storage plant, if such corporation is or has been aided by way of loan or grant by the Governments of Canada and Ontario, or either of them; provided that such exemption shall not apply to the land upon which such buildings or structures are erected or placed except to the extent the same may be exempted under the provisions of section 397 of *The Municipal Act*.

Rev. Stat.,  
c. 233.

Rev. Stat.,  
c. 238, s. 83,  
subs. 1,  
amended.      **3.** Subsection 1 of section 83 of *The Assessment Act* is amended by adding after the word "judge" in the seventh line the words "or the municipal corporation."

Rev. Stat.,  
c. 238, s. 111,  
subs. 2,  
amended.      **4.—(1)** Subsection 2 of section 111 of *The Assessment Act* is amended by striking out the word "five" in the seventh line and inserting in lieu thereof the word "four."

Rev. Stat.,  
c. 238, s. 111,  
subs. 3,  
amended.      **(2)** Subsection 3 of the said section 111 is amended by striking out the words "discount or" in the first line and by striking out the word "five" in the fourth line and inserting in lieu thereof the word "four."

Rev. Stat.,  
c. 238, s. 111,  
subs. 4,  
amended.      **(3)** Subsection 4 of the said section 111 is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "six."



County  
treasurer  
to add  
interest.

- (4) After taxes have been returned to the County Treasurer he shall add interest thereto as provided by this section.

Rev. Stat.,  
c. 238, s. 152,  
(1934,  
c. 1, s. 11),  
amended.

7. Section 152 of *The Assessment Act* as re-enacted by section 11 of *The Assessment Act, 1934*, is amended by adding thereto the following subsection:

Notice to  
be given  
of place  
and date  
of sale.

- (6) The list published as required by this section and posted as required by section 154 shall contain a notification that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes on a day and at a place named in such notification.

Rev. Stat.,  
c. 238, s. 173,  
amended.

8. Section 173 of *The Assessment Act* is amended by adding after the word "treasurer" in the sixth line the words "for the use and benefit of the purchaser, or his legal representatives."

Commence-  
ment of  
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

The Assessment Amendment Act, 1935

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 17th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Ontario Municipal Board Act, 1932.

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MR. CROLL

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No. 116

1935

# BILL

## An Act to amend The Ontario Municipal Board Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Short title.      **1.** This Act may be cited as *The Ontario Municipal Board Act, 1935*.

1932,  
c. 27, s. 10,  
sub. 2,  
repealed.      **2.** Subsection 2 of section 10 of *The Ontario Municipal Board Act, 1932*, is repealed.

1932,  
c. 27, ss. 60  
to 77,  
repealed.      **3.** Sections 60 to 77, being Part IV of *The Ontario Municipal Board Act, 1932*, and amendments thereto are hereby repealed.

1932,  
c. 27, Part V,  
amended.      **4.** *The Ontario Municipal Board Act, 1932*, is amended by adding the following sections to Part V thereof:

Capital  
undertakings  
to be  
approved by  
the board  
before being  
proceeded  
with.

**89.** Notwithstanding the provisions of any general or special Act a municipality shall not exercise any of its powers to proceed with, authorize or provide any moneys for any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is or is intended or required to be provided or raised by the issue of debentures of the municipality, until the approval of the board has first been obtained.

Capital  
undertaking  
by-laws not  
to be passed  
until  
approved.

**90.** No by-law shall be passed by a municipality for any of the purposes mentioned in section 89 until the approval of the board has first been obtained.

Inquiry by  
the board.

**91.** Upon an application being made to the board for the approval required by section 89, the board shall proceed to deal with the application in the manner provided by and shall have regard to the matters mentioned in section 87, and may hold such public hearings as to the board may appear necessary.

#### EXPLANATORY NOTES

GENERAL. The amendments contained in this Bill are principally with respect to control over capital expenditures by municipalities and to repeal parts of the Act which are transferred to the Department of Municipal Affairs.

CLAUSE 2. The object of this amendment is to dispense with a prerequisite vote of the Assembly with respect to the Chairman's tenure of office.

CLAUSE 3. Part IV of the Board's Act is repealed because the provisions in relation to municipal accounting and auditing, etc., are transferred to the Department of Municipal Affairs.

CLAUSE 4. The provisions of new sections 89 to 94 are for the purpose of requiring that municipalities shall obtain the approval of the board before embarking upon any project which is to be financed by the issue of debentures. In England and in most of the provinces of Canada municipalities cannot proceed with capital undertakings until the approval of the body similar to the Municipal Board has first been obtained.



Board may  
impose  
conditions  
on giving  
approval.

92. The board as a condition of giving its approval as required by section 89, may by its order impose such restrictions, limitations and conditions upon the municipality with respect to the matter before the board or with respect to the current annual or future annual expenditures of the municipality for any purpose or with respect to further issues of debentures by the municipality, and otherwise with respect to the conduct and administration of the affairs of the municipality as to the board may appear necessary or expedient.

Board not  
required to  
approve.

93. The board shall not be required to give its approval on any application made to it under section 89, and shall not give such approval unless satisfied that the same is justified under all the circumstances.

Municipality  
may proceed  
upon  
approval.

94. When the board has given its approval as required by section 89, the municipality may thereafter proceed in the manner and to the extent provided for by or consequent upon such approval, and for such purpose may exercise all its powers and do all things necessary or incidental thereto, and may pass all requisite by-laws, including debenture by-laws.

1932,  
c. 27,  
Part VI and  
Forms  
repealed.

5. Sections 89 to 129, being Part VI of *The Ontario Municipal Board Act, 1932*, and amendments thereto and forms 1 to 4 to the said Act are hereby repealed.

Commence-  
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

CLAUSE 5. Part VI of the Board's Act, which deals with defaulting municipalities, is transferred to *The Department of Municipal Affairs Act*, but the board will continue to exercise a certain measure of jurisdiction and an order from the board will be essential before a municipality can be made subject to the department's supervision, and also before any scheme for refunding of debts of the municipality can be put into effect.





BILL

An Act to amend The Ontario Municipal Board Act, 1932.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Ontario Municipal Board Act, 1932.

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MR. CROLL

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No. 116

1935

# BILL

## An Act to amend The Ontario Municipal Board Act, 1932.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Short title.

1. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1935*.

1932,  
c. 27, s. 10,  
sub. 2,  
repealed.

2. Subsection 2 of section 10 of *The Ontario Municipal Board Act, 1932*, is repealed.

1932,  
c. 27, ss. 60  
to 77,  
repealed.

3. Sections 60 to 77, being Part IV of *The Ontario Municipal Board Act, 1932*, and amendments thereto are hereby repealed.

1932,  
c. 27, Part V,  
amended.

4. *The Ontario Municipal Board Act, 1932*, is amended by adding the following sections to Part V thereof:

Capital  
undertakings  
to be  
approved by  
the board  
before being  
proceeded  
with.

89. Notwithstanding the provisions of any general or special Act a municipality shall not exercise any of its powers to proceed with, authorize or provide any moneys for any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is or is intended or required to be provided or raised by the issue of debentures of the municipality, until the approval of the board, has first been obtained.

Capital  
undertaking  
by-laws not  
to be passed  
until  
approved.

90. No by-law shall be passed by a municipality for any of the purposes mentioned in section 89 until the approval of the board has first been obtained.

Inquiry by  
the board.

91. Upon an application being made to the board for the approval required by section 89, the board shall proceed to deal with the application in the manner provided by and shall have regard to the matters mentioned in section 87, and may hold such public hearings as to the board may appear necessary.

92. The board as a condition of giving its approval as required by section 89, may by its order impose such restrictions, limitations and conditions upon the municipality with respect to the matter before the board or with respect to the current annual or future annual expenditures of the municipality for any purpose or with respect to further issues of debentures by the municipality, and otherwise with respect to the conduct and administration of the affairs of the municipality as to the board may appear necessary or expedient. Board may impose conditions on giving approval.
93. The board shall not be required to give its approval on any application made to it under section 89, and shall not give such approval unless satisfied that the same is justified under all the circumstances. Board not required to approve.
94. When the board has given its approval as required by section 89, the municipality may thereafter proceed in the manner and to the extent provided for by or consequent upon such approval, and for such purpose may exercise all its powers and do all things necessary or incidental thereto, and may pass all requisite by-laws, including debenture by-laws. Municipality may proceed upon approval.
5. Sections 89 to 129, being Part VI of *The Ontario Municipal Board Act, 1932*, and amendments thereto and forms 1 to 4 to the said Act are hereby repealed. 1932, c. 27, Part VI and Forms repealed.
6. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Ontario Municipal  
Board Act, 1932.

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 16th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to establish the Department of Municipal Affairs.

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MR. CROLL

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# BILL

## An Act to establish the Department of Municipal Affairs.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

- |                    |   |
|--------------------|---|
| Short title        | 1. This Act may be cited as <i>The Department of Municipal Affairs Act, 1935</i> .  |
| Interpretation.    | 2. In this Act,—  |
| "Board."           | (a) "Board" shall mean the Ontario Municipal Board;   |
| "Department."      | (b) "Department" shall mean the Department of Municipal Affairs;  |
| "Deputy Minister." | (c) "Deputy Minister" shall mean the Deputy Minister of Municipal Affairs;  |
| "Local board."     | (d) "Local Board" shall mean and include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality; |
| "Minister."        | (e) "Minister" shall mean the Minister of Municipal Affairs;  |
| "Municipality."    | (f) "Municipality" shall mean a county, city, town, village or township, and shall include the corporation thereof, and for the purposes of this Act shall include every local board thereof;   |
| "Public utility."  | (g) "Public utility" shall mean and include any waterworks, gasworks, including works for the trans-  |

#### EXPLANATORY NOTES

GENERAL:

With the creation of the new Department of Municipal Affairs which has functioned temporarily under the terms of an Order-in-Council, it is desirable that the usual statutory authority for a government department be provided.

Clause 2. This contains the necessary definitions in respect of persons or matters the department will ordinarily deal with.

mission, distribution and supply of natural gas, electrical power or energy works, or system for the generation, transmission or distribution of electric light, heat or power, any telephone system, any street or other railway system, any bus or other public transportation system and any other works or system for supplying the inhabitants generally with necessities or conveniences which are vested in or owned, controlled or operated by a municipality or municipalities or by a local board.

Establishment of Department.

**3.**—(1) There shall be a Department of Municipal Affairs, over which the Minister shall preside.

Deputy Minister.

(2) A deputy minister of the department shall be appointed by the Lieutenant-Governor in Council.

Staff.

(3) The Lieutenant-Governor in Council may also appoint such officers, clerks and servants as from time to time may be deemed necessary for the proper conduct of the business of the department.

Jurisdiction of Department—municipal statutes.

**4.**—(1) The department shall administer all Acts in respect to municipal institutions and affairs, including *The Ontario Municipal Board Act, 1932*, and amendments thereto.

Other statutes.

(2) The department shall administer such other Acts as may be provided herein and as may from time to time be designated by the Lieutenant-Governor in Council.

Municipal affairs.

(3) The department shall exercise general oversight over municipal institutions and their administration and such special oversight and powers in relation thereto as may be provided in or under the authority of this or any other general or special Act; provided that nothing herein contained shall be deemed to divest the board of any jurisdiction or powers conferred on it by this or any other Act.

Housing Acts.

**5.** *The Ontario Housing Act, 1919*, and *The Municipal Housing Act, 1920*, and amendments thereto, respectively, shall be administered by the Department, and for the purposes of the said Acts and the regulations made thereunder, the deputy minister shall hereafter be the director named and referred to in such Acts.

Annual report.

**6.** The department shall submit to the Lieutenant-Governor in Council an annual report upon the affairs and work of the department, and such report shall be laid before the Assembly within twenty-one days after the commencement of the next Session.

Clause 3. This is the standard form of clause as to the constitution and personnel of a government department.

Clause 4. Sets out in a brief manner the principal functions of the department.

Clause 5. Heretofore the two Housing Acts have been administered under a Director who was also the Director of the Bureau of Municipal Affairs, and as administration is now to be vested in the department it is desirable that the deputy minister act as the director of housing.

Clause 6. This is the usual provision as to the annual report of government departments.



Powers of  
inquiry.

7. The deputy minister and such of the officers of the department who may be authorized thereto by the Lieutenant-Governor in Council shall for any of the purposes of the department or of any Act which it administers, have and may exercise the same powers as a commissioner under *The Public Inquiries Act*.

## PART II

Transfer of  
Bureau of  
Municipal  
Affairs.

8.—(1) The jurisdiction formerly exercised by the Bureau of Municipal Affairs and transferred by Part IV of *The Ontario Municipal Board Act, 1932*, to the board, is hereby transferred to the department, which shall exercise jurisdiction over all the matters formerly assigned to the said bureau.

Transfer of  
staff.

(2) All the officers, clerks and servants of the said former bureau in office at the time this Act comes into force are hereby transferred to and shall be officers, clerks and servants of the department as if appointed thereto by the Lieutenant-Governor in Council.

Municipal  
accounting  
system.

9. The department shall have power to:

(a) prescribe and regulate the system of estimates, book-keeping and accounting to be adopted by municipalities, and the form of and the manner in which all estimates, books of account, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues and expenditures of municipalities shall be kept, and the manner in which all funds and moneys thereof shall be accounted for;

Municipal  
returns.

(b) prescribe the forms, returns, statements and information to be made and furnished by municipalities to the department, annually, periodically or otherwise, and the times when and by whom they shall be made;

Municipal  
audit.

(c) prescribe and regulate the system of auditing of the accounts, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues, expenditures, funds and moneys of municipalities and the reports, returns, statements and information to be made and furnished by municipal auditors and otherwise with respect to the performance of their duties;

Compiling  
statistics,  
etc.

(d) collect, compile, analyze and record such statistical and other information relating to the financial and other affairs of municipalities as may be useful;



Clause 7. Is to enable the deputy minister and senior officers of the department to conduct inquiries in matters under the department.

## PART II

Sections 8 to 23 of the Bill transfer to and vest in the department the jurisdiction exercised for many years past by the former Bureau of Municipal Affairs, which is now finally abolished upon the creation of the department.

The department will exercise general control over the systems of municipal accounting, bookkeeping, auditing, and returns so that improvements may be effected therein, and the financial affairs of municipalities accounted for in a manner which will show clearly the exact position of affairs.

It is intended gradually to adopt standard methods of accounting and improve the system of auditing, and also to obtain statistical information which will disclose to all who are interested or concerned the true picture of every municipality in the province.

Only such changes have been made in these sections as are necessary for the purpose of transfer to the department.

Publishing  
reports, etc.

- (e) prepare and publish statistics, reports, records, bulletins, pamphlets, circulars and other means of disseminating information and advice in relation to municipal affairs as may be useful;

Report on  
municipal  
government,  
etc.

- (f) study, report and advise upon the system of municipal institutions and the government and administration of municipal affairs;

Incidental  
powers.

- (g) perform and do all things necessary or incidental to any of the aforesaid purposes;

Advisory  
powers.

- (h) effect improvement generally in the conduct and administration of municipal affairs and, among other things, consult with and assist by advice municipalities, develop proper methods of municipal administration, financing, accounting and audit, collaborate with municipal associations and other bodies and collect, compile and disseminate municipal statistics and information;

Power of  
investigation

- (i) inquire at any time into any or all of the affairs financial and otherwise, of a municipality or local board and hold such hearings and make such investigations in respect thereof as may appear necessary or expedient to be made in the interest of such municipality, its ratepayers, inhabitants and creditors, and particularly to make and hold such inquiries, hearings and investigations for the purpose of avoiding any default or recurrence of default by any municipality in meeting its obligations.

Variations  
in systems  
and forms.

**10.** The department may, with respect to any of the matters mentioned in clauses *a*, *b* and *c* of section 9, prescribe different systems, methods and forms for the several classes of municipalities or for any municipality.

Duty of  
members of  
council, local  
boards and  
their officers.

**11.** Every municipality and every member of the council or a local board thereof and every officer thereof shall comply with any system, methods or forms prescribed under this Part to be adopted, kept or made by such municipality, local board or by the class of municipalities or local board of which such municipality or local board is one.

Adoption of  
other  
satisfactory  
system of  
accounting,  
auditing,  
etc.

**12.** A municipality which has adopted a system of estimates, book-keeping, accounting or auditing which the department is satisfied to approve may continue such system until otherwise directed by the department and until such time it shall not be necessary for the municipality to comply with any system prescribed under this Part.



All returns  
to be made  
to the  
department.

**13.**—(1) All returns required by any Act to be made to the Secretary of the Bureau of Industries or to the Bureau of Municipal Affairs shall be made to the department.

(2) Where in any Act reference is made to the Director of the Bureau of Municipal Affairs such reference shall be deemed to be made to the department.

Provincial  
municipal  
audit.

When  
ordered.

**14.**—(1) The department, upon its own initiative or whenever requested by any municipality expressed by resolution of its council, or on a petition in writing signed by not less than fifty ratepayers assessed as owners and resident in a municipality, may direct a provincial municipal audit of the financial affairs of the municipality.

Extent of  
audit.

(2) Any direction given by the department may extend to an audit of all the financial affairs of a municipality or may be limited to the financial affairs of any local board thereof, or to any specified phase of such financial affairs or to any specified books, accounts, registers, records, vouchers, receipts, funds, money or financial transactions, kept by or under the charge of any officer of the municipality designated by the department.

Appoint-  
ment of  
special  
auditor to  
make the  
audit. ]

**15.** The Minister may designate one of the officers of the department or may appoint a chartered accountant or other competent auditor to make any audit directed to be made under this Part, and the person appointed shall for the purposes of such audit have all the powers and perform all the duties mentioned in section 16.

Powers of  
auditor  
with  
respect to  
an audit.

**16.** For the purposes of any audit the officer of the department or other person appointed to make the audit may require the production of all or any books, records and documents which may in any way relate to the affairs of the municipality, the subject of the audit, and inspect, examine and audit and copy the same and may require any officer of the municipality and any other person to appear before him and give evidence on oath touching any of such affairs and for such purpose shall have the same powers as a commissioner under *The Public Inquiries Act*.

Rev. Stat.,  
c. 20.

Report on  
audit.

**17.** Upon completion of an audit under this Part the auditor shall report thereon in writing to the deputy minister, who shall forthwith transmit a copy of the report to the municipality.

Powers of  
department  
as a result  
of an audit.

**18.** The department, as a result of any audit of the affairs of a municipality made under this Part, may make such orders as it may see fit requiring the municipality to carry out, put





into effect, observe, perform or enforce such matters or things as the audit may have disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the department may provide.

Fees for  
audit.

**19.** The department may fix the fees and allowances for expenses payable with respect to any audit of the affairs of a municipality under this Part, and the amount so fixed shall forthwith be paid by the municipality.

Exception  
as to  
municipal  
hydro-  
electric  
commissions.

**20.** Nothing in this Part contained shall give to the department any jurisdiction with respect to any of the affairs of a municipal utility commission, the exclusive jurisdiction over which is by statute conferred upon The Hydro-Electric Power Commission of Ontario.

Obligations  
of officers'  
sureties not  
affected, etc.

**21.** Nothing in this Part shall affect or impair any security given by any officer of a municipality for the due and faithful performance of the duties of his office, nor relieve his sureties from liability in case of his default therein, nor shall anything in this Part relieve any municipality from its duty to appoint competent auditors.

Power to  
obtain  
returns on  
failure of  
municipality  
to make  
them.

**22.** Where a municipality fails, neglects or refuses to make or provide to the department any form or return, statement or information prescribed under this Part, the deputy minister may authorize some person to make and furnish the same at the expense of the municipality.

Penalty.

**23.** Any municipality, member of council or of a local board or an officer thereof or any other person guilty of any wilful breach of any of the provisions of this Part or of any order of the department made thereunder shall in addition to any other penalty provided by law incur a penalty of not less than \$20 and not more than \$200 recoverable under *The Summary Convictions Act*, and, if a member of a council or a local board shall, upon conviction, be disqualified from holding any municipal office for a period of two years.

Rev. Stat.,  
c. 121.



## PART III

## SPECIAL JURISDICTION OVER DEFAULTING MUNICIPALITIES

Inter-  
pretation.**24.** In this Part,—“Improved  
land.”

- (a) “Improved land” shall mean any parcel of land separately assessed which has a building thereon, and shall include any land in actual use for agricultural purposes, although there is no building thereon;

“Registrar.”

- (b) “Registrar” shall mean the registrar of a registry office;

“Registry  
office.”

- (c) “Registry office” shall mean the registry office of the registry division for the county or district in which a municipality subject to this Part is situate;

“Vacant  
land.”

- (d) “Vacant land” shall mean any parcel of land separately assessed, which has no building thereon, but shall not include any improved land.

Special  
municipal  
jurisdiction  
of board.When  
exercisable.

**25.**—(1) The board shall have and may exercise the special jurisdiction and powers conferred by this Part, whenever, upon request of the department or of a municipality, expressed by resolution of its council, or upon request of the creditors of a municipality having claims representing not less than twenty per centum of its indebtedness, including debenture debt, it is satisfied upon inquiry that the municipality has,—

Default  
in meeting  
debenture  
debt.

- (a) failed to meet and pay any of its debentures or interest thereon as the same became due and after payment thereof has been duly demanded; or

Default  
in meeting  
other in-  
debtedness.

- (b) failed to meet and pay any of its other debts or liabilities when due and default in payment is occasioned from financial difficulties affecting the municipality; or

Financial  
difficulties  
rendering  
default  
probable.

- (c) become so financially involved or embarrassed that default in meeting any of its obligations may probably ensue.

Partial or  
full inquiry.

(2) In the course of an inquiry the board may investigate any or all of the affairs of a municipality.

Separate  
school  
board.

(3) The board may exercise the said powers with respect to any separate school board of any municipality which has not been made subject to this Part, upon request expressed by resolution of the school board.

### PART III

This Part contains a transfer to the Department's Act of all the provisions now contained in Part VI of *The Municipal Board Act, 1932*.

With the creation of the department it is intended that it shall exercise supervision over municipalities in financial difficulties in place of the former supervisors who were appointed for such purposes.

The Municipal Board will continue to exercise jurisdiction in these matters for the purpose of determining whether or not a municipality shall be placed under the supervision of the department, and also with respect to any refunding schemes of the debts of supervised municipalities, and also to appeals from decisions of the department.

Substantially the provisions of this Part are the same as those now contained in *The Municipal Board Act* as amended in 1934, the necessary changes having been made with the transfer of supervision from Committees of Supervisors to the department.

As appeals from decisions of the department will go to the Ontario Municipal Board, the Bill provides that the deputy minister shall not sit as a member of the board on such appeals.



Power of board to vest control over municipal administration in department.

**26.**—(1) If upon inquiry the board is of opinion that the circumstances so warrant or appear to render desirable, it may make such order as it may deem proper or necessary to vest in the department control and charge over the administration of all the affairs of the municipality as set forth in the order and to declare that thereafter and until the board shall otherwise determine and order such municipality shall be subject to the provisions of this Part.

Deputy minister not to sit as member of board.

(2) During such time as the deputy minister is a member of the board he shall not sit as a member thereof with respect to any application or matter before the board under this Part.

Powers of department.

**27.**—(1) Except as otherwise provided in this Part, the department shall have and may exercise the powers conferred on them by this Part and such additional powers as by any order of the board or by the terms of any agreement entered into under the authority of this Part may be conferred on it, and may do all things necessary or incidental to the exercise of any such powers.

Declaration as to jurisdiction of department.

(2) The jurisdiction and powers to be exercised under this Part by the department shall extend to and include not only control over all the affairs of the corporation of the municipality, but also over all the affairs of every local board of such municipality, unless an order made by the board shall otherwise expressly declare and direct.

Appeal to board.

**28.**—(1) The council or any local board or any creditor of either of them dissatisfied with any order, direction or decision of the department may within fifteen days, or such further time as the board may allow, appeal therefrom to the board.

Sinking funds.

(2) Every such order, direction or decision shall be communicated in writing by the department to the clerk of the municipality or secretary of the local board, as the case may be within five days after such order, direction or decision has been made.

Notice to be given of subjection of municipality to this Part.

**29.** Where a municipality has become subject to the provisions of this Part, notice thereof shall be given in the *Ontario Gazette* and in such one or more newspapers, published in or near the municipality and elsewhere and to such persons and in such form as the board may direct.

Stay of actions against municipality without leave of board.

**30.**—(1) When notice has been published in the *Ontario Gazette* that a municipality is subject to this Part, such publication shall operate as a stay of all actions or proceedings pending against the municipality and as a stay of execution as the case may be, and thereafter no action or other pro-





ceeding against the municipality shall be commenced or continued nor shall a levy be made under a writ of execution against the municipality, without leave of the board.

Suspension  
of operation  
of statutes of  
limitation.

(2) Where the commencement or continuance of any action or proceeding or the making of any levy under a writ of execution is prevented or stayed under this section, the time during which such prevention or stay continues shall not be computed for the purposes of any Statute or law of limitations until leave of the board to commence or continue such action or proceeding or make such levy is obtained but the person having the right of action or to take any proceeding or to make a levy under a writ of execution shall upon the removal of the prevention or stay, have the same length of time within which to take action or proceed or make a levy under a writ of execution, as the case may be, as he had when such prevention or stay came into operation; provided that this subsection shall not apply unless application is made to the board for approval of the continuance or commencement of any such suit, action or proceeding, within the time so limited as aforesaid by statute or law of limitations and such approval is refused.

Existing  
liens not  
taken away.

**31.** Nothing in this Part contained shall take away any lien, hypothec or other charge, if any, in existence and subsisting at the time this Part comes into force with respect to any municipality upon or against any revenue or other asset of the municipality and the same shall continue to exist until it is satisfied and discharged.

Control  
exercisable  
by  
department.

**32.** The department shall with respect to the municipality and every local board thereof have control and charge over the exercise by any of them of any of their powers and over the performance by any of them of any of their duties and obligations with respect to,—

Municipal  
officers.

(a) the appointment and dismissal of its officers, employees and servants, and their powers, duties, salaries and remunerations;

Revenues  
and expendi-  
tures.

(b) the collection, receipt, application and payment of its revenues and expenditures;

Sinking  
funds.

(c) the keeping, investment, use, application, payment and disposition of all sinking funds and of the moneys belonging thereto and of all rates levied and moneys collected for the purposes of any such sinking fund.

Accounting  
and audit.

(d) the system of accounting and audit, and the dealing with its assets, liabilities, revenues and expenditures;



- Assessment. (e) the making of and the manner and times for making the assessment and assessment rolls and of appeals therefrom;
- Estimates. (f) the yearly or other estimates and the form, preparation and completion thereof, and the times when the same shall be made;
- What estimates shall include. (g) the amounts to be provided for and included in the yearly or other estimates, whether the same are to be provided by taxation or otherwise;
- Rates and collection thereof. (h) the imposition, rating, levying and collection of all rates, assessments and taxation, the mode and times for collecting the same and the allowance of discounts or imposition of penalties thereon, and for the making and return of the collector's roll;
- Borrowings. (i) borrowing of moneys for the current expenditures of the corporation until the taxes are collected;
- Utility rates. Rev. Stat., c. 57. (j) subject to *The Power Commission Act*, the rates, rents and charges imposed, levied or collectible for supply or service of any public utility;
- License and permit fees. (k) imposition, charging and collection of all license permit or other fees, charges and expenses;
- Sale of assets. (l) the sale or other disposition of any of its assets; and
- General. (m) without being limited by the foregoing, generally with respect to any other matter in any way affecting or pertaining to its affairs and their administration.

Powers of board with respect to debt.

**33.** Where a municipality has become subject to this Part the board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize and order,—

- (a) consolidation of the whole or any portion thereof;
- (b) issue of debentures in payment and satisfaction of the whole or any portion of such other indebtedness or any portion or portions thereof, and compulsory acceptance of such debentures in payment and satisfaction thereof;
- (c) issue of new debentures to cover any such consolidation;





- (d) issue of new debentures in substitution and exchange for any outstanding debentures and compulsory acceptance thereof by the holders of such outstanding debentures;
- (e) retirement and cancellation of the whole or any portion of the existing debenture debt and outstanding debentures, upon the issue of new debentures to cover the same or in exchange therefor;
- (f) terms, conditions, places and times for exchange of new debentures for outstanding debentures;
- (g) postponement of or variation in the terms, times and places for payment of the whole or any portion of the debenture debt and outstanding debentures and other indebtedness and interest thereon and variation in the rates of such interest;
- (h) cancellation, increase, decrease or other variation in the levy and collection of any assessment, rate or taxation, rent or charge imposed to meet, pay and discharge any debenture debt, debentures, or other indebtedness, and interest thereon, and to vary the basis, terms and times of payment thereof;
- (i) creation and setting aside of sinking funds and special reserves out of any portion of the revenues of the municipality for meeting, paying and discharging its debenture debt, debentures, or other indebtedness or any portion thereof or interest thereon;
- (j) custody, management, investment and application of sinking funds, reserves and surpluses;
- (k) ratification and confirmation of any agreement, arrangement or compromise entered into with its creditors or any of them respecting its debenture debt, debentures or other indebtedness or any portion thereof and interest thereon;
- (l) any variation, amendment or cancellation of any order made by it under this section or of the terms of any agreement, arrangement or compromise ratified and confirmed by it under this section.

Separate  
school  
board.

**34.** The board upon the application of the separate school board of a municipality which has been made subject to this Part or of the separate school board of any other municipality



where such board has been made subject to this Part, although the municipality itself has not been made so subject, shall have power to make orders under and in accordance with the provisions of section 33 with respect to the debenture debt, debentures and other indebtedness of the separate school board and interest thereon.

Notice of  
intention to  
exercise  
powers to be  
published in  
*Ontario  
Gazette.*

**35.**—(1) Where the board upon application to it by the department or the council or a separate school board or any of the creditors of the municipality intends to exercise any of the powers conferred on the board under section 33 or 34, it shall, before so doing, give or direct that there be given notice of such intention in the *Ontario Gazette* and by such other publication and to such persons and in such manner as to the board may seem proper, and such notice shall state the time and place when the matter is to be dealt with by the board, which time shall be not less than three months after the notice is published in the *Ontario Gazette*.

Subsection 1  
not to apply  
to matters  
incidental to  
exercise of  
powers.

(2) The provisions of subsection 1 shall not apply with respect to any matter which is merely incidental to the exercise of any of said powers.

Objection  
to be filed  
with board.

(3) The board shall not make any order under section 33 if objection in writing to the making of such order is filed with the board by creditors representing not less than one-third in amount of the aggregate of the indebtedness of the municipality or separate school board including therein debenture indebtedness, but excluding therefrom indebtedness in respect of which the municipality or separate school board is not directly but only contingently or collaterally liable.

Approval by  
creditors.

(4) If creditors representing not less than two-thirds in amount of the aggregate of the indebtedness of the municipality or separate school board including therein debenture indebtedness but excluding therefrom indebtedness in respect of which the municipality or separate school board is not directly but only contingently or collaterally liable, have in writing filed with the board their approval of the making of any order of the board under section 33, it shall not be necessary that any notice be given under subsection 1 of the intention of the board to exercise its power to make such order, and in such case the provisions of subsection 3 shall not apply.

Debenture  
debt not to  
form part  
of debt after  
order of  
board.

**36.** After an order of the board has been made under section 33 no portion of the debenture debt of the corporation represented by debentures ordered to be cancelled, retired or exchanged shall form part of its debt within the meaning of any Act limiting its borrowing powers.





Department  
may  
arrange to  
vary or  
cancel  
subsisting  
agreements.

**37.** The municipality may, with the approval of the department, enter into agreements with any person with whom the municipality has previously entered into any agreement, contract or obligation which or some term, provision or obligation of which remains in whole or in part or in any manner to be observed, performed or carried out by the municipality, for the variation, amendment or cancellation of any such subsisting agreement, contract or obligation.

Department  
to approve  
debenture  
issues.

**38.—(1)** The municipality shall not, under the provisions of any special or general Act, exercise or be required to exercise any of its powers if such exercise will or may require money to be provided by the issue of debentures of the corporation, without the approval of the department first being obtained.

Approval  
of debenture  
by-laws.

**(2)** The municipality may, with the approval of the department pass by-laws providing for the issue of debentures and to authorize the hypothecation or sale thereof, but no such by-law shall have any force and effect until approved by the department.

Assent of  
electors not  
requisite.

**39.** It shall not be necessary that the assent of the electors of the municipality or of those thereof qualified to vote on money by-laws be obtained with respect to any by-law of the municipality or the issue thereunder of any debentures if such by-law is approved by the department.

Department  
to have  
control over  
moneys and  
their  
application.

**40.** The department shall have full charge and control over all moneys belonging to the municipality and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank to be designated by the municipality and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the department may approve and direct, and all cheques drawn and issued by the municipality shall be signed and countersigned by such persons and in such manner as the department may authorize and no moneys belonging to or revenues of the municipality may be appropriated, applied, paid, used, transferred or withdrawn by any person except with the approval of or otherwise than directed by the department.

Approval of  
department  
necessary  
to levy rate.

**41.—(1)** Notwithstanding the provisions of any general or special Act or of any by-law of the municipality, only such rates, assessments, or amounts shall be imposed, rated, levied or directed so to be upon the rateable property within the municipality or upon any part thereof as the department approves and directs.

County rates  
to be pro-  
vided as  
department  
may direct.

**(2)** Nothing in this Part contained shall relieve a municipality from the obligation to ultimately provide and pay to





Department  
may  
arrange to  
vary or  
cancel  
subsisting  
agreements.

**37.** The municipality may, with the approval of the department, enter into agreements with any person with whom the municipality has previously entered into any agreement, contract or obligation which or some term, provision or obligation of which remains in whole or in part or in any manner to be observed, performed or carried out by the municipality, for the variation, amendment or cancellation of any such subsisting agreement, contract or obligation.

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County rates  
to be pro-  
vided as  
department  
may direct.

**(2)** Nothing in this Part contained shall relieve a municipality from the obligation to ultimately provide and pay to



the county of which it forms or has formed part, the amounts of all county rates heretofore or hereafter directed to be levied by the county in such municipality with interest thereon at such rate as the county may have been obliged to pay upon any money borrowed by it upon debentures or otherwise until payment is made, and the payment of the said amounts with interest shall be made as and when the department may direct.

Settlement  
of county  
rates.

(3) The council of a county by a vote of two-thirds of all the members thereof may accept in full settlement and payment of the county rates owing by any municipality subject to this Part less than the whole amount thereof.

Court of  
revision.

Rev. Stat.,  
c. 238.

**42.** Notwithstanding anything in *The Assessment Act* contained, the court of revision for the municipality shall consist of three members to be appointed annually by the council with the approval of the department and the members need not necessarily be members of the council.

Return of  
collector's  
roll

**43.** The collector shall return his roll to the treasurer on or before such day in the year next following the year in which he received it as the department may direct.

Vesting of  
vacant lands  
in arrears  
for taxes.

**44.—(1)** Where any part of the taxes on any vacant land within the municipality remains unpaid on the 31st day of December in the year next following that in which the taxes were levied, such vacant land shall be vested in and become the property of the municipality upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5.

Vesting of  
improved  
lands in  
arrears for  
taxes.

(2) Where any part of the taxes on improved land within the municipality remains unpaid on the 1st day of January in the third year following that in which the taxes were levied, such improved land shall be vested in and become the property of the municipality upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5.

Registration  
of tax arrears  
certificate.

(3) The treasurer, with respect to vacant land upon which any part of the taxes remain unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate, Form 1 to this Act, setting forth therein a description of such vacant land or improved land, as the case may be, and the





amount of such unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall be vested in and become the property of the municipality, its successors and assigns, in fee simple or otherwise according to the nature of the estate right, title and interest whatsoever of the owners thereof at the time of such vesting, and clear of and free from all such estate right, title and interest, and all charges and encumbrances thereon and dower therein, subject only to the said right of redemption hereinafter provided and to the provisions of subsection 5.

Notice of  
registration  
of  
certificate.

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry office to have an interest therein a written notice, Form 2 to this Act, of the registration of such certificate and of the last day for redemption of such land.

Interest of  
Crown not  
affected.

(5) Where the Crown, whether as represented by the government of Canada or the government of the Province of Ontario, has any interest in any land in respect of which taxes are in arrear, the interest only of the persons other than the Crown therein shall be vested in the municipality by the registration of a tax arrears certificate, and where such interest is that of a lessee, licensee or locatee, such vesting shall be valid without requiring the consent of the Minister of Lands and Forests.

Department  
to approve  
registration.

(6) The treasurer shall not register or cause to be registered any such certificates until authorized so to do by the department, and any such authority may be general or special in its terms and shall not be required to be registered or referred to in any certificate which is registered.

Right of  
redemption.

**45.** The owner of or any person appearing by the records of the registry office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, together with the amount of all expenses incurred by the corporation and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 44, and also by paying to the corporation all taxes including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former



owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Registration  
of  
redemption  
certificate.

(2) Upon redemption being made under this section, the treasurer shall forthwith register in the registry office a certificate to be known as a redemption certificate, Form 3 to this Act, setting forth therein a description of the land redeemed, and a redemption certificate shall, subject to subsection 3, when registered, be as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner and a valid and effectual cancellation of the tax arrears certificate registered with respect to such land.

Lien on  
redemption  
by other  
than owner.

(3) If land is redeemed by any person entitled to redeem the same other than the owner such person shall have a lien upon the owner's interest therein for the amount paid to redeem the said land.

Duty of  
registrar.

**46.**—(1) Every certificate registered under sections 44 and 45 shall be entered by the registrar in the registry book in its proper order and in the proper abstract index provided under *The Registry Act*.

Fees of  
registrar.

(2) The registrar shall be entitled to the following fees for registration of a certificate under sections 44 and 45 and for searches made for the corporation for the purposes of section 44 and no others:

- (a) For registering a tax arrears certificate, \$2;
- (b) For registering a redemption or vacating certificate, 50 cents;
- (c) If either certificate embraces more than one parcel of land, for each additional parcel over one, 5 cents;
- (d) For each search made for the corporation for the purposes of section 44 five cents for each lot





searched, but in no case to be more than \$5 for a search in respect of the lands described in any one tax arrears certificate.

Land transfer tax not payable. Rev. Stat., c. 31.

(3) No tax shall be payable under the provisions of *The Land Transfer Tax Act* on registration of any tax arrears or redemption certificate or vacating certificate.

Registration of certificates.

**47.** Where lands to which section 44 applies are registered in a land titles office, the certificates which may be registered under the provisions of sections 44, 45 and 46 shall be registered in the proper land titles office and the provisions of the said sections 44, 45, and 46 shall, *mutatis mutandis*, apply to lands entered in a land titles office.

Supervisors to control such lands.

Department to control proceeds from such lands.

**48.**—(1) Control over all lands which become the property of the corporation of a municipality by virtue of section 44 and are not redeemed and of their use, occupation, renting, leasing, sale or other disposition shall on behalf of the corporation in which they are vested, be exercised by the department and all proceeds derived from the use, occupation, renting, leasing, sale or other disposition of any of the said lands shall be under the control and direction of the department

Vacating certificates.

(2) Where under the provisions of this Part a tax arrears certificate has been registered with respect to any land and it is subsequently ascertained that the same was registered by mistake or that lands have erroneously been included therein, or where an agreement for composition and payment of the arrears of taxes for which the certificate was registered has been entered into under section 50 within two years after registration of such certificate the department may direct the treasurer of the corporation to register a certificate to be known as a vacating certificate, Form 4 to this Act, setting forth therein a description of the land wherein the title of the corporation is to be vacated, and such vacating certificate shall, when registered, be as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner; provided however that the registration of any vacating certificate shall not in any way cancel or affect taxes or arrears of taxes, if any, which may be due upon the land described therein.

Cancellation of plans.

Rev. Stat., c. 155.

(3) The department may require the council of a municipality subject to this Part to make application to the judge of the county or district court for the purposes mentioned in section 86 of *The Registry Act*.





Application  
to City of  
Windsor.  
1932, c. 95.

(4) The provisions of this section shall apply to all lands acquired by the corporation of the city of Windsor under section 3 of *The City of Windsor Act, 1932*.

Right of  
appeal of  
department.  
Rev. Stat.,  
c. 238.

**49.**—(1) The department shall have the same right of appeal as any person assessed has under subsection 3 of section 72 of *The Assessment Act* with respect to the assessment roll of the municipality, and shall have in addition the rights of appeal conferred by this section.

(2) An appeal by the department under this section may be made at any time within twenty days after the return of the roll and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all of the assessments included in the roll or any area of the municipality described in the notice of appeal or generally with respect to assessments of land only or buildings only or income or business included in the roll or in any area of the municipality defined in the notice of appeal.

(3) The department shall have the same right of appeal from any decision of the court of revision or county judge as a person assessed has under *The Assessment Act*.

(4) Save as provided in subsection 2, in any appeal against a particular assessment by the department the practice and procedure thereon shall be the same as in the case of an appeal by a person assessed.

Practice and  
procedure in  
general  
appeal.

(5) In any general appeal by the department under the authority of this section the practice and procedure shall be determined by the court of revision, county judge or the board, as the case may be, and such notice or notices of the appeal shall be given by publication or otherwise as may be determined by the court, judge or board and upon the hearing of any such general appeal the court, judge or board shall have jurisdiction to review any or all of the assessments included in the roll as may be necessary to determine the appeal and may make any changes, alterations and amendments therein, and also to direct the making of a new assessment roll in accordance with the terms of the order of the court, judge or board.

Compromise  
of tax  
arrears.

**50.**—(1) The department may authorize a compromise of tax arrears to be entered into between the corporation and any ratepayer and in such compromise may provide for an extension of the time of payment of such arrears and a reduction of the amount thereof and acceptance of any debentures or debenture coupons of the corporation in satisfaction of the whole or part thereof.



Lien for taxes not affected.

(2) Where a compromise of tax arrears has been entered into under this section and an extension of the time payment thereof agreed upon, such tax arrears shall be and remain a special lien upon the land in respect to which they are payable in priority over all claims, liens, privileges and encumbrances thereon, except claims of the Crown, and the liens, priorities and other rights with respect thereto provided for in *The Assessment Act* shall continue to apply thereto and to the collection and enforcement thereof, except that the treasurer and collector of taxes of the municipality without thereby waiving the statutory rights and powers of the municipality or of themselves shall not enforce collection of such tax arrears during the time the agreement is in force.

Effect of agreements.

51. Any agreement entered into in accordance with the provisions of this Part shall be binding upon and enure to the benefit of the parties thereto and all persons over whom the Legislature of this province has legislative authority.

Power of housing commission to amend agreements.

52. The housing commission may with the approval of the department, amend the terms of any agreement for sale of property heretofore or hereafter entered into by it, and with respect to property sold under any agreement which has been cancelled or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreement may be such as the department may approve.

Exercise of municipal jurisdiction subject to this Part.

53. The jurisdiction and powers of a municipality subject to this Part exercisable under the provisions of any general or special Act shall only be exercised in accordance with and subject to the provisions of this Part and of any order of the department or the board made, or agreement entered into thereunder.

Exclusive jurisdiction of board and department.

54.—(1) The department or the board shall have exclusive jurisdiction as to all matters arising under this Part or out of the exercise by the municipality or any other person of any of the powers conferred by this Part, and such jurisdiction shall not be open to question or review in any action or proceeding or by any court.

Department's directions subject to review by board.

(2) The department or the board may at any time of its own initiative or upon application made to it review any order, direction or decision made by it and confirm, amend, vary or revoke the same.

Orders to be final.

(3) Any order made or approval given by the department or the board under this Part shall, subject to the right of the board or the department to review and amend or revoke the same, be final and conclusive and not open to question in any court.





Board's  
jurisdiction.

(4) The board only shall have and exercise exclusive jurisdiction to make any order under the provisions of sections 25, 26, 33, 34, 35 and 61, and otherwise shall have jurisdiction only with respect to appeals to it under the provisions of section 28.

Department's  
jurisdiction.

(5) Except as provided by sections 25, 26, 28, 33, 34, 35 and 61, and by subsection 4 of this section, the department only shall have and may exercise exclusive jurisdiction with respect to all matters provided for in this Part.

Powers of  
board and  
department.

**55.** The department or the board may make such orders and prescribe such forms from time to time as it may deem necessary to carry out the provisions of this Part or any agreement made in pursuance thereof and make rules and regulations in respect of applications, matters and things under this Part.

Forms of  
certificates,  
notices, etc.

**56.** Every certificate, notice or other form which is in substantial conformity with the form thereof required by the provisions of this Part or prescribed by the department or the board, shall not be open to objection on the ground that it is not in the form required by the provisions of this Part or as prescribed by the department or the board.

Powers  
exercisable  
for and in  
name of  
municipality.

**57.** Where a municipality has become subject to this Part, all acts, deeds, matters and things done, made or performed by or for the board or by or for the department under this Part, in relation to the affairs of such municipality shall for all purposes be deemed to have been made, done and performed by and for the municipality and in its name.

Board and  
department  
to have  
access to all  
books and  
records.

**58.** The board and the department shall have access at all times to all books, records, papers and documents of the municipality and of every local board, including but without limiting the generality of the foregoing, all assessment rolls, collectors' rolls, by-laws, minute books, books of account, vouchers, and other records, papers and documents relating to its and their financial transactions, and may inspect examine, audit and copy the same or any part thereof.

Powers  
to enforce  
orders.

**59.—(1)** Where a municipality has become subject to this Part, and its council or any local board fails, neglects or refuses to comply with any order, direction or decision of the board or the department, the board or the department may, upon such notice, if any, as it may prescribe, do or order done all acts, deeds, matters and things necessary for compliance with such order or direction, and may exercise all the powers of the council or local board for such purpose and under its or their name and seal.



Liability of members of council and local boards for non-compliance with orders and directions.

(2) The council of the municipality and every local board thereof, and every one of its or their members, officers, employees and servants shall comply with the orders, directions and decisions of the board or the department in any matter relating to the administration of the affairs of such municipality or local board and, any such person who knowingly or wilfully fails, neglects or refuses to observe and comply with any such order, direction or decision, or who, as a member of the council or local board, votes contrary thereto shall incur a penalty of not less than \$25 and not more than \$500 for each offence, recoverable under *The Summary Convictions Act*, and any penalty so recovered shall belong to the general funds of the municipality.

Rev. Stat., c. 121.

Personal liability and disqualification of members of council and local boards.

(3) If a municipality subject to this Part applies any of its funds otherwise than as ordered or authorized by the board or the department, the members of the council or local board who vote for such application shall be jointly and severally liable for the amount so applied, and the same may be recovered in any court of competent jurisdiction, and such members shall also be disqualified from holding any municipal office for five years.

Dismissal of municipal officers for non-compliance with orders and directions.

**60.** The department may dismiss from office any officer, employee or servant of a municipality who fails, neglects or refuses to carry out any order, direction or decision of the board or the department.

Injunction against exercise of municipal powers when not approved.

**61.** The board may by injunction proceedings instituted in its own name prevent or stop the exercise by or for a municipality of any of its powers which have not been approved by the board or the department, when such approval is required under this Part.

Department may combine municipal offices.

**62.** The department may direct that any two or more of the offices of the municipality shall be combined and held by the same officer, and may subsequently separate any of the offices so combined.

Expenses of department.

**63.—(1)** The department may direct payment of such fees, or remuneration and travelling and other expenses reasonably incurred by the department as it may determine.

Department's officer.

(2) The department may appoint some person who may be an officer of the municipality to exercise such powers and duties as the department may provide, and the person so appointed shall be paid such salary and allowed such travelling and other expenses as the department may determine.

Council may be heard as to salaries.

(3) The department in determining the salaries to be paid to any person appointed by it under subsection 2 shall give





consideration to such representations with respect thereto as the council may at any time make.

Salaries and expenses to be paid by municipality.

(4) All salaries, fees, remuneration, travelling and other expenses payable under this section and all other expenses incurred by the board or the department in the carrying out the provisions of this Part or in the exercise of their powers thereunder shall be paid by the municipality or local board, as the case may be, and be chargeable to such of its accounts as the department may direct.

Provisions of this Act to prevail.

**64.** The powers contained in this Part shall be deemed to be in addition to and not in derogation of any power of the board, department or municipality under this or any other Act, but where the provisions of any general or special Act or any other Part of this Act conflict with the provisions of this Part, the latter shall prevail.

Board may end application of this Part.

**65.** Where the department is of opinion that the affairs of a municipality no longer require to be administered under this Part the board may make an order directing that on, from and after a date fixed thereby the provisions of this Part shall no longer apply to the municipality and on, from and after such date the board and the department shall cease to exercise jurisdiction and control over the municipality under this Part.

## PART IV

Commencement of Act.

**66.** This Act shall come into force on the day upon which it receives the Royal Assent.





## FORM 1

## TAX ARREARS CERTIFICATE

To the Registrar of the Registry Division of the.....of.....

I HEREBY CERTIFY by virtue of *The Department of Municipal Affairs Act*, section 44, that the lands hereinafter described, by reason of certain taxes thereon remaining unpaid for the period mentioned in said section are hereby vested in and have become the property of the.....  
.....of.....(naming the municipality).

Description of Lands	Amount of Unpaid Taxes with Penalties, Interest and Costs	Whether Vacant or Improved Land

The period within which the right of redemption may be exercised under the said Act with respect to the above described land is one (1) year from the date of registration of this certificate.

Dated at.....this.....day of....., 19 ..

.....  
Treasurer.

## FORM 2

## NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

TAKE NOTICE that by virtue of *The Department of Municipal Affairs Act*, section 44, a tax arrears certificate has been registered against the following lands, namely:

.....  
.....

and by reason thereof the same are vested in and have become the property of the corporation of the.....of.....(naming the municipality) subject only to your right of redemption of the same on or before the..... day of....., 19 .., which is the last day for redemption.

Dated at.....this.....day of....., 19 ..

.....  
Treasurer.

FORM 3  
REDEMPTION CERTIFICATE

*To the Registrar of the Registry Division of the.....of.....*

I HEREBY CERTIFY that the lands hereunder described have been redeemed by.....under the provisions of *The Department of Municipal Affairs Act*.

*Description of Lands*

.....  
.....

Take notice that where land is redeemed by any person entitled to redeem the same other than the owner, such person has a lien upon the owner's interest therein for the amount paid to redeem said land.

Dated at.....this.....day of....., 19 ..

.....  
*Treasurer.*

FORM 4  
VACATING CERTIFICATE

*To the Registrar of the Registry Division of the.....of.....*

I HEREBY CERTIFY that the title of the corporation of the .....of.....to the lands hereunder described is hereby vacated by the said corporation under the provisions of *The Department of Municipal Affairs Act*.

*Description of Lands*

.....  
.....

Dated at.....this.....day of....., 19 ..

.....  
*Treasurer.*

# BILL

An Act to establish the Department  
of Municipal Affairs.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to establish the Department of Municipal Affairs.

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MR. CROLL

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# BILL

## An Act to establish the Department of Municipal Affairs.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

- Short title      **1.** This Act may be cited as *The Department of Municipal Affairs Act, 1935*.
- Interpretation.      **2.** In this Act,—
- ‘Board.’      (a) “Board” shall mean the Ontario Municipal Board;
- “Department.”      (b) “Department” shall mean the Department of Municipal Affairs;
- “Deputy Minister.”      (c) “Deputy Minister” shall mean the Deputy Minister of Municipal Affairs;
- “Local board.”      (d) “Local Board” shall mean and include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality;
- “Minister.”      (e) “Minister” shall mean the Minister of Municipal Affairs;
- “Municipality.”      (f) “Municipality” shall mean a county, city, town, village or township, and shall include the corporation thereof, and for the purposes of this Act shall include every local board thereof;
- “Public utility.”      (g) “Public utility” shall mean and include any waterworks, gasworks, including works for the trans-

mission, distribution and supply of natural gas, electrical power or energy works, or system for the generation, transmission or distribution of electric light, heat or power, any telephone system, any street or other railway system, any bus or other public transportation system and any other works or system for supplying the inhabitants generally with necessities or conveniences which are vested in or owned, controlled or operated by a municipality or municipalities or by a local board.

3.—(1) There shall be a Department of Municipal Affairs, Establishment of Department. over which the Minister shall preside.

(2) A deputy minister of the department shall be appointed Deputy Minister. by the Lieutenant-Governor in Council.

(3) The Lieutenant-Governor in Council may also appoint Staff. such officers, clerks and servants as from time to time may be deemed necessary for the proper conduct of the business of the department.

4.—(1) The department shall administer all Acts in Jurisdiction of Department—municipal statutes. respect to municipal institutions and affairs, including *The Ontario Municipal Board Act, 1932*, and amendments thereto.

(2) The department shall administer such other Acts as Other statutes. may be provided herein and as may from time to time be designated by the Lieutenant-Governor in Council.

(3) The department shall exercise general oversight over Municipal affairs. municipal institutions and their administration and such special oversight and powers in relation thereto as may be provided in or under the authority of this or any other general or special Act; provided that nothing herein contained shall be deemed to divest the board of any jurisdiction or powers conferred on it by this or any other Act.

5. *The Ontario Housing Act, 1919*, and *The Municipal Housing Act, 1920*, and amendments thereto, respectively, Housing Acts. shall be administered by the Department, and for the purposes of the said Acts and the regulations made thereunder, the deputy minister shall hereafter be the director named and referred to in such Acts.

6. The department shall submit to the Lieutenant-Governor Annual report. in Council an annual report upon the affairs and work of the department, and such report shall be laid before the Assembly within twenty-one days after the commencement of the next Session.

Powers of inquiry.

7. The deputy minister and such of the officers of the department who may be authorized thereto by the Lieutenant-Governor in Council shall for any of the purposes of the department or of any Act which it administers, have and may exercise the same powers as a commissioner under *The Public Inquiries Act*.

## PART II

Transfer of Bureau of Municipal Affairs.

8.—(1) The jurisdiction formerly exercised by the Bureau of Municipal Affairs and transferred by Part IV of *The Ontario Municipal Board Act, 1932*, to the board, is hereby transferred to the department, which shall exercise jurisdiction over all the matters formerly assigned to the said bureau.

Transfer of staff.

(2) All the officers, clerks and servants of the said former bureau in office at the time this Act comes into force are hereby transferred to and shall be officers, clerks and servants of the department as if appointed thereto by the Lieutenant-Governor in Council.

Municipal accounting system.

9. The department shall have power to:

(a) prescribe and regulate the system of estimates, book-keeping and accounting to be adopted by municipalities, and the form of and the manner in which all estimates, books of account, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues and expenditures of municipalities shall be kept, and the manner in which all funds and moneys thereof shall be accounted for;

Municipal returns.

(b) prescribe the forms, returns, statements and information to be made and furnished by municipalities to the department, annually, periodically or otherwise, and the times when and by whom they shall be made;

Municipal audit.

(c) prescribe and regulate the system of auditing of the accounts, registers, records, vouchers, receipts and other books and documents relating to the assets, liabilities, revenues, expenditures, funds and moneys of municipalities and the reports, returns, statements and information to be made and furnished by municipal auditors and otherwise with respect to the performance of their duties;

Compiling statistics, etc.

(d) collect, compile, analyze and record such statistical and other information relating to the financial and other affairs of municipalities as may be useful;



- (e) prepare and publish statistics, reports, records, bulletins, pamphlets, circulars and other means of disseminating information and advice in relation to municipal affairs as may be useful; Publishing reports, etc.
- (f) study, report and advise upon the system of municipal institutions and the government and administration of municipal affairs; Report on municipal government, etc.
- (g) perform and do all things necessary or incidental to any of the aforesaid purposes; Incidental powers.
- (h) effect improvement generally in the conduct and administration of municipal affairs and, among other things, consult with and assist by advice municipalities, develop proper methods of municipal administration, financing, accounting and audit, collaborate with municipal associations and other bodies and collect, compile and disseminate municipal statistics and information; Advisory powers.
- (i) inquire at any time into any or all of the affairs financial and otherwise, of a municipality or local board and hold such hearings and make such investigations in respect thereof as may appear necessary or expedient to be made in the interest of such municipality, its ratepayers, inhabitants and creditors, and particularly to make and hold such inquiries, hearings and investigations for the purpose of avoiding any default or recurrence of default by any municipality in meeting its obligations. Power of investigation.

**10.** The department may, with respect to any of the matters mentioned in clauses *a*, *b* and *c* of section 9, prescribe different systems, methods and forms for the several classes of municipalities or for any municipality. Variations in systems and forms.

**11.** Every municipality and every member of the council or a local board thereof and every officer thereof shall comply with any system, methods or forms prescribed under this Part to be adopted, kept or made by such municipality, local board or by the class of municipalities or local board of which such municipality or local board is one. Duty of members of council, local boards and their officers.

**12.** A municipality which has adopted a system of estimates, book-keeping, accounting or auditing which the department is satisfied to approve may continue such system until otherwise directed by the department and until such time it shall not be necessary for the municipality to comply with any system prescribed under this Part. Adoption of other satisfactory system of accounting, auditing, etc.

All returns  
to be made  
to the  
department.

**13.**—(1) All returns required by any Act to be made to the Secretary of the Bureau of Industries or to the Bureau of Municipal Affairs shall be made to the department.

(2) Where in any Act reference is made to the Director of the Bureau of Municipal Affairs such reference shall be deemed to be made to the department.

Provincial  
municipal  
audit.

When  
ordered.

**14.**—(1) The department, upon its own initiative or whenever requested by any municipality expressed by resolution of its council, or on a petition in writing signed by not less than fifty ratepayers assessed as owners and resident in a municipality, may direct a provincial municipal audit of the financial affairs of the municipality.

Extent of  
audit.

(2) Any direction given by the department may extend to an audit of all the financial affairs of a municipality or may be limited to the financial affairs of any local board thereof, or to any specified phase of such financial affairs or to any specified books, accounts, registers, records, vouchers, receipts, funds, money or financial transactions, kept by or under the charge of any officer of the municipality designated by the department.

Appoint-  
ment of  
special  
auditor to  
make the  
audit.

**15.** The Minister may designate one of the officers of the department or may appoint a chartered accountant or other competent auditor to make any audit directed to be made under this Part, and the person appointed shall for the purposes of such audit have all the powers and perform all the duties mentioned in section 16.

Powers of  
auditor  
with  
respect to  
an audit.

**16.** For the purposes of any audit the officer of the department or other person appointed to make the audit may require the production of all or any books, records and documents which may in any way relate to the affairs of the municipality, the subject of the audit, and inspect, examine and audit and copy the same and may require any officer of the municipality and any other person to appear before him and give evidence on oath touching any of such affairs and for such purpose shall have the same powers as a commissioner under *The Public Inquiries Act*.

Rev. Stat.,  
c. 20.

Report on  
audit.

**17.** Upon completion of an audit under this Part the auditor shall report thereon in writing to the deputy minister, who shall forthwith transmit a copy of the report to the municipality.

Powers of  
department  
as a result of  
an audit.

**18.** The department, as a result of any audit of the affairs of a municipality made under this Part, may make such orders as it may see fit requiring the municipality to carry out, put



into effect, observe, perform or enforce such matters or things as the audit may have disclosed as being necessary or desirable in the interests of the municipality or with respect to the due accounting for, collection or payment of any of its assets, liabilities, revenues, expenditures, funds or money or otherwise in any respect as the order of the department may provide.

**19.** The department may fix the fees and allowances for expenses payable with respect to any audit of the affairs of a municipality under this Part, and the amount so fixed shall forthwith be paid by the municipality. Fees for audit.

**20.** Nothing in this Part contained shall give to the department any jurisdiction with respect to any of the affairs of a municipal utility commission, the exclusive jurisdiction over which is by statute conferred upon The Hydro-Electric Power Commission of Ontario. Exception as to municipal hydro-electric commissions.

**21.** Nothing in this Part shall affect or impair any security given by any officer of a municipality for the due and faithful performance of the duties of his office, nor relieve his sureties from liability in case of his default therein, nor shall anything in this Part relieve any municipality from its duty to appoint competent auditors. Obligations of officers' sureties not affected, etc.

**22.** Where a municipality fails, neglects or refuses to make or provide to the department any form or return, statement or information prescribed under this Part, the deputy minister may authorize some person to make and furnish the same at the expense of the municipality. Power to obtain returns on failure of municipality to make them.

**23.** Any municipality, member of council or of a local board or an officer thereof or any other person guilty of any wilful breach of any of the provisions of this Part or of any order of the department made thereunder shall in addition to any other penalty provided by law incur a penalty of not less than \$20 and not more than \$200 recoverable under *The Summary Convictions Act*, and, if a member of a council or a local board shall, upon conviction, be disqualified from holding any municipal office for a period of two years. Penalty. Rev. Stat., c. 121.

## PART III

## SPECIAL JURISDICTION OVER DEFAULTING MUNICIPALITIES

Interpretation.

**24.** In this Part,—

“Improved land.”

- (a) “Improved land” shall mean any parcel of land separately assessed which has a building thereon, and shall include any land in actual use for agricultural purposes, although there is no building thereon;

“Registrar.”

- (b) “Registrar” shall mean the registrar of a registry office;

“Registry office.”

- (c) “Registry office” shall mean the registry office of the registry division for the county or district in which a municipality subject to this Part is situate;

“Vacant land.”

- (d) “Vacant land” shall mean any parcel of land separately assessed, which has no building thereon, but shall not include any improved land.

Special municipal jurisdiction of board.

**25.**—(1) The board shall have and may exercise the special jurisdiction and powers conferred by this Part, whenever, upon request of the department or of a municipality, expressed by resolution of its council, or upon request of the creditors of a municipality having claims representing not less than twenty per centum of its indebtedness, including debenture debt, it is satisfied upon inquiry that the municipality has,—

When exercisable.

Default in meeting debenture debt.

- (a) failed to meet and pay any of its debentures or interest thereon as the same became due and after payment thereof has been duly demanded; or

Default in meeting other indebtedness.

- (b) failed to meet and pay any of its other debts or liabilities when due and default in payment is occasioned from financial difficulties affecting the municipality; or

Financial difficulties rendering default probable.

- (c) become so financially involved or embarrassed that default in meeting any of its obligations may probably ensue.

Partial or full inquiry.

(2) In the course of an inquiry the board may investigate any or all of the affairs of a municipality.

Separate school board.

(3) The board may exercise the said powers with respect to any separate school board of any municipality which has not been made subject to this Part, upon request expressed by resolution of the school board.

**26.**—(1) If upon inquiry the board is of opinion that the circumstances so warrant or appear to render desirable, it may make such order as it may deem proper or necessary to vest in the department control and charge over the administration of all the affairs of the municipality as set forth in the order and to declare that thereafter and until the board shall otherwise determine and order such municipality shall be subject to the provisions of this Part.

Power of board to vest control over municipal administration in department.

(2) During such time as the deputy minister is a member of the board he shall not sit as a member thereof with respect to any application or matter before the board under this Part.

Deputy minister not to sit as member of board.

**27.**—(1) Except as otherwise provided in this Part, the department shall have and may exercise the powers conferred on them by this Part and such additional powers as by any order of the board or by the terms of any agreement entered into under the authority of this Part may be conferred on it, and may do all things necessary or incidental to the exercise of any such powers.

Powers of department.

(2) The jurisdiction and powers to be exercised under this Part by the department shall extend to and include not only control over all the affairs of the corporation of the municipality, but also over all the affairs of every local board of such municipality, unless an order made by the board shall otherwise expressly declare and direct.

Declaration as to jurisdiction of department.

**28.**—(1) The council or any local board or any creditor of either of them dissatisfied with any order, direction or decision of the department may within fifteen days, or such further time as the board may allow, appeal therefrom to the board.

Appeal to board.

(2) Every such order, direction or decision shall be communicated in writing by the department to the clerk of the municipality or secretary of the local board, as the case may be within five days after such order, direction or decision has been made.

Sinking funds.

**29.** Where a municipality has become subject to the provisions of this Part, notice thereof shall be given in the *Ontario Gazette* and in such one or more newspapers, published in or near the municipality and elsewhere and to such persons and in such form as the board may direct.

Notice to be given of subsection of municipality to this Part.

**30.**—(1) When notice has been published in the *Ontario Gazette* that a municipality is subject to this Part, such publication shall operate as a stay of all actions or proceedings pending against the municipality and as a stay of execution as the case may be, and thereafter no action or other pro-

Stay of actions against municipality without leave of board.



ceeding against the municipality shall be commenced or continued nor shall a levy be made under a writ of execution, against the municipality, without leave of the board.

Suspension  
of operation  
of statutes of  
limitation.

(2) Where the commencement or continuance of any action or proceeding or the making of any levy under a writ of execution is prevented or stayed under this section, the time during which such prevention or stay continues shall not be computed for the purposes of any Statute or law of limitations until leave of the board to commence or continue such action or proceeding or make such levy is obtained but the person having the right of action or to take any proceeding or to make a levy under a writ of execution shall upon the removal of the prevention or stay, have the same length of time within which to take action or proceed or make a levy under a writ of execution, as the case may be, as he had when such prevention or stay came into operation; provided that this subsection shall not apply unless application is made to the board for approval of the continuance or commencement of any such suit, action or proceeding, within the time so limited as aforesaid by statute or law of limitations and such approval is refused.

Existing  
liens not  
taken away.

**31.** Nothing in this Part contained shall take away any lien, hypothec or other charge, if any, in existence and subsisting at the time this Part comes into force with respect to any municipality upon or against any revenue or other asset of the municipality and the same shall continue to exist until it is satisfied and discharged.

Control  
exercisable  
by  
department.

**32.** The department shall with respect to the municipality and every local board thereof have control and charge over the exercise by any of them of any of their powers and over the performance by any of them of any of their duties and obligations with respect to,—

Municipal  
officers.

(a) the appointment and dismissal of its officers, employees and servants, and their powers, duties, salaries and remunerations;

Revenues  
and expendi-  
tures.

(b) the collection, receipt, application and payment of its revenues and expenditures;

Sinking  
funds.

(c) the keeping, investment, use, application, payment and disposition of all sinking funds and of the moneys belonging thereto and of all rates levied and moneys collected for the purposes of any such sinking fund.

Accounting  
and audit.

(d) the system of accounting and audit, and the dealing with its assets, liabilities, revenues and expenditures;

- (e) the making of and the manner and times for making the assessment and assessment rolls and of appeals therefrom; Assessment.
- (f) the yearly or other estimates and the form, preparation and completion thereof, and the times when the same shall be made; Estimates.
- (g) the amounts to be provided for and included in the yearly or other estimates, whether the same are to be provided by taxation or otherwise; What estimates shall include.
- (h) the imposition, rating, levying and collection of all rates, assessments and taxation, the mode and times for collecting the same and the allowance of discounts or imposition of penalties thereon, and for the making and return of the collector's roll; Rates and collection thereof.
- (i) borrowing of moneys for the current expenditures of the corporation until the taxes are collected; Borrowings.
- (j) subject to *The Power Commission Act*, the rates, rents and charges imposed, levied or collectible for supply or service of any public utility; Utility rates. Rev. Stat., c. 57.
- (k) imposition, charging and collection of all license permit or other fees, charges and expenses; License and permit fees.
- (l) the sale or other disposition of any of its assets; and Sale of assets.
- (m) without being limited by the foregoing, generally with respect to any other matter in any way affecting or pertaining to its affairs and their administration. General.

**33.** Where a municipality has become subject to this Part the board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize and order,—

- (a) consolidation of the whole or any portion thereof;
- (b) issue of debentures in payment and satisfaction of the whole or any portion of such other indebtedness or any portion or portions thereof, and compulsory acceptance of such debentures in payment and satisfaction thereof;
- (c) issue of new debentures to cover any such consolidation;



- (d) issue of new debentures in substitution and exchange for any outstanding debentures and compulsory acceptance thereof by the holders of such outstanding debentures;
- (e) retirement and cancellation of the whole or any portion of the existing debenture debt and outstanding debentures, upon the issue of new debentures to cover the same or in exchange therefor;
- (f) terms, conditions, places and times for exchange of new debentures for outstanding debentures;
- (g) postponement of or variation in the terms, times and places for payment of the whole or any portion of the debenture debt and outstanding debentures and other indebtedness and interest thereon and variation in the rates of such interest;
- (h) cancellation, increase, decrease or other variation in the levy and collection of any assessment, rate or taxation, rent or charge imposed to meet, pay and discharge any debenture debt, debentures, or other indebtedness, and interest thereon, and to vary the basis, terms and times of payment thereof;
- (i) creation and setting aside of sinking funds and special reserves out of any portion of the revenues of the municipality for meeting, paying and discharging its debenture debt, debentures, or other indebtedness or any portion thereof or interest thereon;
- (j) custody, management, investment and application of sinking funds, reserves and surpluses;
- (k) ratification and confirmation of any agreement, arrangement or compromise entered into with its creditors or any of them respecting its debenture debt, debentures or other indebtedness or any portion thereof and interest thereon;
- (l) any variation, amendment or cancellation of any order made by it under this section or of the terms of any agreement, arrangement or compromise ratified and confirmed by it under this section.

Separate  
school  
board.

**34.** The board upon the application of the separate school board of a municipality which has been made subject to this Part or of the separate school board of any other municipality

where such board has been made subject to this Part, although the municipality itself has not been made so subject, shall have power to make orders under and in accordance with the provisions of section 33 with respect to the debenture debt, debentures and other indebtedness of the separate school board and interest thereon.

**35.**—(1) Where the board upon application to it by the department or the council or a separate school board or any of the creditors of the municipality intends to exercise any of the powers conferred on the board under section 33 or 34, it shall, before so doing, give or direct that there be given notice of such intention in the *Ontario Gazette* and by such other publication and to such persons and in such manner as to the board may seem proper, and such notice shall state the time and place when the matter is to be dealt with by the board, which time shall be not less than three months after the notice is published in the *Ontario Gazette*.

Notice of intention to exercise powers to be published in *Ontario Gazette*.

(2) The provisions of subsection 1 shall not apply with respect to any matter which is merely incidental to the exercise of any of said powers.

Subsection 1 not to apply to matters incidental to exercise of powers.

(3) The board shall not make any order under section 33 if objection in writing to the making of such order is filed with the board by creditors representing not less than one-third in amount of the aggregate of the indebtedness of the municipality or separate school board including therein debenture indebtedness, but excluding therefrom indebtedness in respect of which the municipality or separate school board is not directly but only contingently or collaterally liable.

Objection to be filed with board.

(4) If creditors representing not less than two-thirds in amount of the aggregate of the indebtedness of the municipality or separate school board including therein debenture indebtedness but excluding therefrom indebtedness in respect of which the municipality or separate school board is not directly but only contingently or collaterally liable, have in writing filed with the board their approval of the making of any order of the board under section 33, it shall not be necessary that any notice be given under subsection 1 of the intention of the board to exercise its power to make such order, and in such case the provisions of subsection 3 shall not apply.

Approval by creditors.

**36.** After an order of the board has been made under section 33 no portion of the debenture debt of the corporation represented by debentures ordered to be cancelled, retired or exchanged shall form part of its debt within the meaning of any Act limiting its borrowing powers.

Debenture debt not to form part of debt after order of board.

Department  
may  
arrange to  
vary or  
cancel  
subsisting  
agreements.

**37.** The municipality may, with the approval of the department, enter into agreements with any person with whom the municipality has previously entered into any agreement, contract or obligation which or some term, provision or obligation of which remains in whole or in part or in any manner to be observed, performed or carried out by the municipality, for the variation, amendment or cancellation of any such subsisting agreement, contract or obligation.

Department  
to approve  
debenture  
issues.

**38.—(1)** The municipality shall not, under the provisions of any special or general Act, exercise or be required to exercise any of its powers if such exercise will or may require money to be provided by the issue of debentures of the corporation, without the approval of the department first being obtained.

Approval  
of debenture  
by-laws.

**(2)** The municipality may, with the approval of the department pass by-laws providing for the issue of debentures and to authorize the hypothecation or sale thereof, but no such by-law shall have any force and effect until approved by the department.

Assent of  
electors not  
requisite.

**39.** It shall not be necessary that the assent of the electors of the municipality or of those thereof qualified to vote on money by-laws be obtained with respect to any by-law of the municipality or the issue thereunder of any debentures if such by-law is approved by the department.

Department  
to have  
control over  
moneys and  
their  
application.

**40.** The department shall have full charge and control over all moneys belonging to the municipality and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank to be designated by the municipality and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the department may approve and direct, and all cheques drawn and issued by the municipality shall be signed and countersigned by such persons and in such manner as the department may authorize and no moneys belonging to or revenues of the municipality may be appropriated, applied, paid, used, transferred or withdrawn by any person except with the approval of or otherwise than directed by the department.

Approval of  
department  
necessary  
to levy rate.

**41.—(1)** Notwithstanding the provisions of any general or special Act or of any by-law of the municipality, only such rates, assessments, or amounts shall be imposed, rated, levied or directed so to be upon the rateable property within the municipality or upon any part thereof as the department approves and directs.

County rates  
to be pro-  
vided as  
department  
may direct.

**(2)** Nothing in this Part contained shall relieve a municipality from the obligation to ultimately provide and pay to



the county of which it forms or has formed part, the amounts of all county rates heretofore or hereafter directed to be levied by the county in such municipality with interest thereon at such rate as the county may have been obliged to pay upon any money borrowed by it upon debentures or otherwise until payment is made, and the payment of the said amounts with interest shall be made as and when the department may direct.

(3) The council of a county by a vote of two-thirds of all the members thereof may accept in full settlement and payment of the county rates owing by any municipality subject to this Part less than the whole amount thereof. Settlement of county rates.

**42.** Notwithstanding anything in *The Assessment Act* contained, the court of revision for the municipality shall consist of three members to be appointed annually by the council with the approval of the department and the members need not necessarily be members of the council. Court of revision. Rev. Stat., c. 238.

**43.** The collector shall return his roll to the treasurer on or before such day in the year next following the year in which he received it as the department may direct. Return of collector's roll

**44.—(1)** Where any part of the taxes on any vacant land within the municipality remains unpaid on the 31st day of December in the year next following that in which the taxes were levied, such vacant land shall be vested in and become the property of the municipality upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5. Vesting of vacant lands in arrears for taxes.

(2) Where any part of the taxes on improved land within the municipality remains unpaid on the 1st day of January in the third year following that in which the taxes were levied, such improved land shall be vested in and become the property of the municipality upon registration by the treasurer of a tax arrears certificate, subject to the right of redemption hereinafter provided and to the provisions of subsection 5. Vesting of improved lands in arrears for taxes.

(3) The treasurer, with respect to vacant land upon which any part of the taxes remain unpaid after the time mentioned in subsection 1 and with respect to improved land upon which any part of the taxes remains unpaid after the time mentioned in subsection 2, may register in the registry office a certificate to be known as a tax arrears certificate, Form 1 to this Act, setting forth therein a description of such vacant land or improved land, as the case may be, and the Registration of tax arrears certificate.

amount of such unpaid taxes, with the amount of all penalties, interest and costs added thereto, and thereupon the land described in the certificate shall be vested in and become the property of the municipality, its successors and assigns, in fee simple or otherwise according to the nature of the estate right, title and interest whatsoever of the owners thereof at the time of such vesting, and clear of and free from all such estate right, title and interest, and all charges and encumbrances thereon and dower therein, subject only to the said right of redemption hereinafter provided and to the provisions of subsection 5.

Notice of  
registration  
of  
certificate.

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry office to have an interest therein a written notice, Form 2 to this Act, of the registration of such certificate and of the last day for redemption of such land.

Interest of  
Crown not  
affected.

(5) Where the Crown, whether as represented by the government of Canada or the government of the Province of Ontario, has any interest in any land in respect of which taxes are in arrear, the interest only of the persons other than the Crown therein shall be vested in the municipality by the registration of a tax arrears certificate, and where such interest is that of a lessee, licensee or locatee, such vesting shall be valid without requiring the consent of the Minister of Lands and Forests.

Department  
to approve  
registration.

(6) The treasurer shall not register or cause to be registered any such certificates until authorized so to do by the department, and any such authority may be general or special in its terms and shall not be required to be registered or referred to in any certificate which is registered.

Right of  
redemption.

**45.** The owner of or any person appearing by the records of the registry office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, together with the amount of all expenses incurred by the corporation and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 44, and also by paying to the corporation all taxes including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former



owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

(2) Upon redemption being made under this section, the treasurer shall forthwith register in the registry office a certificate to be known as a redemption certificate, Form 3 to this Act, setting forth therein a description of the land redeemed, and a redemption certificate shall, subject to subsection 3, when registered, be as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner and a valid and effectual cancellation of the tax arrears certificate registered with respect to such land. <sup>Registration of redemption certificate.</sup>

(3) If land is redeemed by any person entitled to redeem the same other than the owner such person shall have a lien upon the owner's interest therein for the amount paid to redeem the said land. <sup>Lien on redemption by other than owner.</sup>

**46.**—(1) Every certificate registered under sections 44 and 45 shall be entered by the registrar in the registry book in its proper order and in the proper abstract index provided under *The Registry Act*. <sup>Duty of registrar.</sup>

(2) The registrar shall be entitled to the following fees for registration of a certificate under sections 44 and 45 and for searches made for the corporation for the purposes of section 44 and no others: <sup>Fees of registrar.</sup>

- (a) For registering a tax arrears certificate, \$2;
- (b) For registering a redemption or vacating certificate, 50 cents;
- (c) If either certificate embraces more than one parcel of land, for each additional parcel over one, 5 cents;
- (d) For each search made for the corporation for the purposes of section 44 five cents for each lot

searched, but in no case to be more than \$5 for a search in respect of the lands described in any one tax arrears certificate.

Land transfer tax not payable. *Land Transfer Tax Act* on registration of any tax arrears or redemption certificate or vacating certificate.

Rev. Stat., c. 31.

Registration of certificates.

47. Where lands to which section 44 applies are registered in a land titles office, the certificates which may be registered under the provisions of sections 44, 45 and 46 shall be registered in the proper land titles office and the provisions of the said sections 44, 45, and 46 shall, *mutatis mutandis*, apply to lands entered in a land titles office.

Department to control such lands.

48.—(1) Control over all lands which become the property of the corporation of a municipality by virtue of section 44 and are not redeemed and of their use, occupation, renting, leasing, sale or other disposition shall on behalf of the corporation in which they are vested, be exercised by the department and all proceeds derived from the use, occupation, renting, leasing, sale or other disposition of any of the said lands shall be under the control and direction of the department

Department to control proceeds from such lands.

Vacating certificates.

(2) Where under the provisions of this Part a tax arrears certificate has been registered with respect to any land and it is subsequently ascertained that the same was registered by mistake or that lands have erroneously been included therein, or where an agreement for composition and payment of the arrears of taxes for which the certificate was registered has been entered into under section 50 within two years after registration of such certificate the department may direct the treasurer of the corporation to register a certificate to be known as a vacating certificate, Form 4 to this Act, setting forth therein a description of the land wherein the title of the corporation is to be vacated, and such vacating certificate shall, when registered, be as valid and effective in law as a conveyance of the land described therein to the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, of the original estate of such registered owner; provided however that the registration of any vacating certificate shall not in any way cancel or affect taxes or arrears of taxes, if any, which may be due upon the land described therein.

Cancellation of plans.

(3) The department may require the council of a municipality subject to this Part to make application to the judge of the county or district court for the purposes mentioned in section 86 of *The Registry Act*.

Rev. Stat., c. 155.

(4) The provisions of this section shall apply to all lands acquired by the corporation of the city of Windsor under section 3 of *The City of Windsor Act, 1932*.

Application  
to City of  
Windsor.

1932, c. 95.

**49.**—(1) The department shall have the same right of appeal as any person assessed has under subsection 3 of section 72 of *The Assessment Act* with respect to the assessment roll of the municipality, and shall have in addition the rights of appeal conferred by this section.

Right of  
appeal of  
department.  
Rev. Stat.,  
c. 238.

(2) An appeal by the department under this section may be made at any time within twenty days after the return of the roll and such appeal may be with respect to any particular assessment or omission to assess or generally with respect to all of the assessments included in the roll or any area of the municipality described in the notice of appeal or generally with respect to assessments of land only or buildings only or income or business included in the roll or in any area of the municipality defined in the notice of appeal.

(3) The department shall have the same right of appeal from any decision of the court of revision or county judge as a person assessed has under *The Assessment Act*.

(4) Save as provided in subsection 2, in any appeal against a particular assessment by the department the practice and procedure thereon shall be the same as in the case of an appeal by a person assessed.

(5) In any general appeal by the department under the authority of this section the practice and procedure shall be determined by the court of revision, county judge or the board, as the case may be, and such notice or notices of the appeal shall be given by publication or otherwise as may be determined by the court, judge or board and upon the hearing of any such general appeal the court, judge or board shall have jurisdiction to review any or all of the assessments included in the roll as may be necessary to determine the appeal and may make any changes, alterations and amendments therein, and also to direct the making of a new assessment roll in accordance with the terms of the order of the court, judge or board.

Practice and  
procedure in  
general  
appeal.

**50.**—(1) The department may authorize a compromise of tax arrears to be entered into between the corporation and any ratepayer and in such compromise may provide for an extension of the time of payment of such arrears and a reduction of the amount thereof and acceptance of any debentures or debenture coupons of the corporation in satisfaction of the whole or part thereof.

Compromise  
of tax  
arrears.



Lien for  
taxes not  
affected

(2) Where a compromise of tax arrears has been entered into under this section and an extension of the time payment thereof agreed upon, such tax arrears shall be and remain a special lien upon the land in respect to which they are payable in priority over all claims, liens, privileges and encumbrances thereon, except claims of the Crown, and the liens, priorities and other rights with respect thereto provided for in *The Assessment Act* shall continue to apply thereto and to the collection and enforcement thereof, except that the treasurer and collector of taxes of the municipality without thereby waiving the statutory rights and powers of the municipality or of themselves shall not enforce collection of such tax arrears during the time the agreement is in force.

Effect of  
agreements.

**51.** Any agreement entered into in accordance with the provisions of this Part shall be binding upon and enure to the benefit of the parties thereto and all persons over whom the Legislature of this province has legislative authority.

Power of  
housing  
commission  
to amend  
agreements.

**52.** The housing commission may with the approval of the department, amend the terms of any agreement for sale of property heretofore or hereafter entered into by it, and with respect to property sold under any agreement which has been cancelled or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreement may be such as the department may approve.

Exercise of  
municipal  
jurisdiction  
subject to  
this Part.

**53.** The jurisdiction and powers of a municipality subject to this Part exercisable under the provisions of any general or special Act shall only be exercised in accordance with and subject to the provisions of this Part and of any order of the department or the board made, or agreement entered into thereunder.

Exclusive  
jurisdiction  
of board and  
department.

**54.—(1)** The department or the board shall have exclusive jurisdiction as to all matters arising under this Part or out of the exercise by the municipality or any other person of any of the powers conferred by this Part, and such jurisdiction shall not be open to question or review in any action or proceeding or by any court.

Depart-  
ment's  
directions  
subject to  
review by  
board.

(2) The department or the board may at any time of its own initiative or upon application made to it review any order, direction or decision made by it and confirm, amend, vary or revoke the same.

Orders to be  
final.

(3) Any order made or approval given by the department or the board under this Part shall, subject to the right of the board or the department to review and amend or revoke the same, be final and conclusive and not open to question in any court.

(4) The board only shall have and exercise exclusive jurisdiction to make any order under the provisions of sections 25, 26, 33, 34, 35 and 61, and otherwise shall have jurisdiction only with respect to appeals to it under the provisions of section 28. Board's jurisdiction.

(5) Except as provided by sections 25, 26, 28, 33, 34, 35 and 61, and by subsection 4 of this section, the department only shall have and may exercise exclusive jurisdiction with respect to all matters provided for in this Part. Department's jurisdiction.

**55.** The department or the board may make such orders and prescribe such forms from time to time as it may deem necessary to carry out the provisions of this Part or any agreement made in pursuance thereof and make rules and regulations in respect of applications, matters and things under this Part. Powers of board and department.

**56.** Every certificate, notice or other form which is in substantial conformity with the form thereof required by the provisions of this Part or prescribed by the department or the board, shall not be open to objection on the ground that it is not in the form required by the provisions of this Part or as prescribed by the department or the board. Forms of certificates, notices, etc.

**57.** Where a municipality has become subject to this Part, all acts, deeds, matters and things done, made or performed by or for the board or by or for the department under this Part, in relation to the affairs of such municipality shall for all purposes be deemed to have been made, done and performed by and for the municipality and in its name. Powers exercisable for and in name of municipality.

**58.** The board and the department shall have access at all times to all books, records, papers and documents of the municipality and of every local board, including but without limiting the generality of the foregoing, all assessment rolls, collectors' rolls, by-laws, minute books, books of account, vouchers, and other records, papers and documents relating to its and their financial transactions, and may inspect examine, audit and copy the same or any part thereof. Board and department to have access to all books and records.

**59.—(1)** Where a municipality has become subject to this Part, and its council or any local board fails, neglects or refuses to comply with any order, direction or decision of the board or the department, the board or the department may, upon such notice, if any, as it may prescribe, do or order done all acts, deeds, matters and things necessary for compliance with such order or direction, and may exercise all the powers of the council or local board for such purpose and under its or their name and seal. Powers to enforce orders.



Liability of members of council and local boards for non-compliance with orders and directions.

Rev. Stat., c. 121.

Personal liability and disqualification of members of council and local boards.

Dismissal of municipal officers for non-compliance with orders and directions.

Injunction against exercise of municipal powers when not approved.

Department may combine municipal offices.

Expenses of department.

Department's officer.

Council may be heard as to salaries.

(2) The council of the municipality and every local board thereof, and every one of its or their members, officers, employees and servants shall comply with the orders, directions and decisions of the board or the department in any matter relating to the administration of the affairs of such municipality or local board and; any such person who knowingly or wilfully fails, neglects or refuses to observe and comply with any such order, direction or decision, or who, as a member of the council or local board, votes contrary thereto shall incur a penalty of not less than \$25 and not more than \$500 for each offence, recoverable under *The Summary Convictions Act*, and any penalty so recovered shall belong to the general funds of the municipality.

(3) If a municipality subject to this Part applies any of its funds otherwise than as ordered or authorized by the board or the department, the members of the council or local board who vote for such application shall be jointly and severally liable for the amount so applied, and the same may be recovered in any court of competent jurisdiction, and such members shall also be disqualified from holding any municipal office for five years.

**60.** The department may dismiss from office any officer, employee or servant of a municipality who fails, neglects or refuses to carry out any order, direction or decision of the board or the department.

**61.** The board may by injunction proceedings instituted in its own name prevent or stop the exercise by or for a municipality of any of its powers which have not been approved by the board or the department, when such approval is required under this Part.

**62.** The department may direct that any two or more of the offices of the municipality shall be combined and held by the same officer, and may subsequently separate any of the offices so combined.

**63.—(1)** The department may direct payment of such fees, or remuneration and travelling and other expenses reasonably incurred by the department as it may determine.

(2) The department may appoint some person who may be an officer of the municipality to exercise such powers and duties as the department may provide, and the person so appointed shall be paid such salary and allowed such travelling and other expenses as the department may determine.

(3) The department in determining the salaries to be paid to any person appointed by it under subsection 2 shall give

consideration to such representations with respect thereto as the council may at any time make.

(4) All salaries, fees, remuneration, travelling and other expenses payable under this section and all other expenses incurred by the board or the department in the carrying out the provisions of this Part or in the exercise of their powers thereunder shall be paid by the municipality or local board, as the case may be, and be chargeable to such of its accounts as the department may direct.

Salaries and expenses to be paid by municipality.

**64.** The powers contained in this Part shall be deemed to be in addition to and not in derogation of any power of the board, department or municipality under this or any other Act, but where the provisions of any general or special Act or any other Part of this Act conflict with the provisions of this Part, the latter shall prevail.

Provisions of this Act to prevail.

**65.** Where the department is of opinion that the affairs of a municipality no longer require to be administered under this Part the board may make an order directing that on, from and after a date fixed thereby the provisions of this Part shall no longer apply to the municipality and on, from and after such date the board and the department shall cease to exercise jurisdiction and control over the municipality under this Part.

Board may end application of this Part.

**66.** Subject to the provisions of *The City of Windsor (Amalgamation) Act, 1935*, the municipalities and local boards heretofore declared subject to the provisions of Part VI of *The Ontario Municipal Board Act, 1932*, shall be and remain subject to the provisions of this Part and to the jurisdiction and control of the board and the department as provided for in this Part.

#### PART IV

**67.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

FORM 1  
TAX ARREARS CERTIFICATE

To the Registrar of the Registry Division of the.....of.....

I HEREBY CERTIFY by virtue of *The Department of Municipal Affairs Act, 1935*, section 44, that the lands hereinafter described, by reason of certain taxes thereon remaining unpaid for the period mentioned in said section are hereby vested in and have become the property of the .....of.....(naming the municipality).

Description of Lands	Amount of Unpaid Taxes with Penalties, Interest and Costs	Whether Vacant or Improved Land

The period within which the right of redemption may be exercised under the said Act with respect to the above described land is one (1) year from the date of registration of this certificate.

Dated at.....this.....day of....., 19 ..

.....  
Treasurer.

FORM 2

NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

TAKE NOTICE that by virtue of *The Department of Municipal Affairs Act, 1935*, section 44, a tax arrears certificate has been registered against the following lands, namely:

.....  
.....

and by reason thereof the same are vested in and have become the property of the corporation of the.....of..... (naming the municipality) subject only to your right of redemption of the same on or before the..... day of....., 19 .., which is the last day for redemption.

Dated at.....this.....day of....., 19 ..

.....  
Treasurer.

FORM 3  
REDEMPTION CERTIFICATE

To the Registrar of the Registry Division of the.....of.....

I HEREBY CERTIFY that the lands hereunder described have been redeemed by.....under the provisions of *The Department of Municipal Affairs Act, 1935.*

### Description of Lands

.....

Take notice that where land is redeemed by any person entitled to redeem the same other than the owner, such person has a lien upon the owner's interest therein for the amount paid to redeem said land.

Dated at.....this.....day of....., 19 .....

*Treasurer.*

FORM 4

VACATING CERTIFICATE

To the Registrar of the Registry Division of the.....of.....

I HEREBY CERTIFY that the title of the corporation of the ..... of ..... to the lands hereunder described is hereby vacated by the said corporation under the provisions of *The Department of Municipal Affairs Act, 1935*.

### Description of Lands

.....

Dated at.....this.....day of....., 19.....

.....  
Treasurer.







BILL

An Act to establish the Department  
of Municipal Affairs.

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting the Northern Ontario Relief Commission.

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MR. CROLL

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# BILL

## An Act respecting the Northern Ontario Relief Commission.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Northern Ontario Relief (Repeal) Act, 1935*.

Dissolution  
of Northern  
Ontario  
Relief  
Commission.

**2.**—(1) The corporation established under *The Northern Ontario Fire Relief Committee Act, 1923*, and continued under *The Northern Ontario Relief Act, 1928*, and known as the "Northern Ontario Relief Commission" is hereby dissolved.

Transfer of  
authority  
to Minister  
of Public  
Welfare.

(2) In so far as the same may be necessary for the due carrying out and completion of any acts, matters, deeds or things now in course of being undertaken by the said Commission, jurisdiction, power and authority with respect thereto shall be vested in the Minister of Public Welfare for Ontario and he shall have power and authority to carry out and complete the same.

Transfer of  
funds to the  
Provincial  
Treasurer.

(3) Any properties, funds or moneys now under the direction and control of the said Commission shall be transferred and paid to the Treasurer for Ontario by the person or persons in whose custody or control the same now are.

1923, c. 9, and  
1928, c. 10,  
repealed.

**3.** *The Northern Ontario Fire Relief Committee Act, 1923*, and *The Northern Ontario Relief Act, 1928*, are hereby repealed.

Commence-  
ment of  
Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTES

The functions of the Commission referred to in this Bill are now virtually ended, as the work for which it was created is now under the charge of the Department of Public Welfare.

For that reason it is advisable to dissolve the Commission and transfer its outstanding functions to the Department.



BILL

An Act respecting the Northern Ontario  
Relief Commission.

---

*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting the Northern Ontario Relief Commission.

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MR. CROLL

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No. 118

1935

# BILL

## An Act respecting the Northern Ontario Relief Commission.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Northern Ontario Relief (Repeal) Act, 1935*.

Dissolution of Northern Ontario Relief Commission.      **2.**—(1) The corporation established under *The Northern Ontario Fire Relief Committee Act, 1923*, and continued under *The Northern Ontario Relief Act, 1928*, and known as the "Northern Ontario Relief Commission" is hereby dissolved.

Transfer of authority to Minister of Public Welfare.      (2) In so far as the same may be necessary for the due carrying out and completion of any acts, matters, deeds or things now in course of being undertaken by the said Commission, jurisdiction, power and authority with respect thereto shall be vested in the Minister of Public Welfare for Ontario and he shall have power and authority to carry out and complete the same.

Transfer of funds to the Provincial Treasurer.      (3) Any properties, funds or moneys now under the direction and control of the said Commission shall be transferred and paid to the Treasurer for Ontario by the person or persons in whose custody or control the same now are.

1923, c. 9, and 1928, c. 10, repealed.      **3.** *The Northern Ontario Fire Relief Committee Act, 1923*, and *The Northern Ontario Relief Act, 1928*, are hereby repealed.

Commencement of Act.      **4.** This Act shall come into force on the day upon which it receives the Royal Assent.



# BILL

An Act respecting the Northern Ontario  
Relief Commission.

---

*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 16th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Arrears of Municipal Taxes.

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MR. CROLL

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No. 119

1935

# BILL

## An Act respecting Arrears of Municipal Taxes.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Municipal Tax Arrears Consolidation Act, 1935*.

Interpretations.      **2.** In this Act,—

“Arrears of taxes.”      (a) “Arrears of taxes” means and includes all taxes and all rates, rents and other charges collectible as taxes on the collector’s roll of a municipality owing in respect of more than one year as at the 31st day of December, 1934, and includes all percentages, charges, interest, costs and expenses lawfully added to or charged thereon;

“Department.”      (b) “Department” means the Department of Municipal Affairs for Ontario;

“Minister.”      (c) “Minister” means the Minister of Municipal Affairs for Ontario;

“Municipality.”      (d) “Municipality” means a city, town, village or township;

“Owner.”      (e) “Owner” means and includes any person who has any beneficial, legal or equitable, interest in land and any mortgagee of such land.

Application of Act.      **3.**—(1) This Act shall apply to every municipality which by by-law thereof passed on or before the 1st day of July, 1935, declares that the provisions of this Act shall apply to such municipality.

Publication and filing of by-law.      (2) A certified copy of the by-law shall be filed with the Department forthwith after the same has been passed and a

## EXPLANATORY NOTES

GENERAL.—Due to general economic conditions the problem of tax arrears has become serious in many municipalities. In some, arrears have more than trebled in the past three years and now represent more than a year's tax roll.

The usual methods of enforcing payment—by distress or tax sale—are no longer efficacious in some places. Tax sales are not attended by speculative buyers and the municipality is compelled to purchase at the adjourned sale.

Present conditions work an injury in two important but adverse directions. First, the municipality being the purchaser means that the purchase price has to be provided by the ratepayers who do pay their taxes. Secondly, the municipality becoming the owner of a number of properties tends to depress values of properties generally.

To overcome the evils of the present situation it is desirable to have a scheme for consolidation of tax arrears available to municipalities which need it and desire to put it into effect.

The plan has been tried in other provinces and has been successful. The chief defects in the Western Acts is that their schemes are rigid and no variation is possible to fit the problem as it is in different municipalities or as the circumstances of the taxpayer may require. The scheme set forth in this Bill is modelled upon the Western Acts, but with leeway for elasticity in application and operation.

It is important, however, in these measures to limit the application to present conditions only and the Bill is drawn to apply to tax arrears for more than one year owing at the end of 1934. If next year conditions prevailing at that time indicate that the Act should be extended, it could be done at the proper time.

CLAUSE 2. Contains the necessary interpretations.

CLAUSE 3. Under this provision it is left to the municipality to decide whether or not it wishes to take advantage of the Act. If so, it must pass a by-law by 1st July, 1935. That period corresponds with legislation of this type in other provinces.

The by-law is to be filed with the Department of Municipal Affairs and published.

copy thereof shall be published once a week for three successive weeks in a newspaper published in the municipality, or if none is so published, in some newspaper having a general circulation therein, and once in the *Ontario Gazette*.

When Act  
not to apply.

(3) This Act shall not apply to any municipality which has not on or before the 1st day of July, 1935, passed a by-law as provided in subsection 1.

Statements  
of tax  
arrears, etc.,  
to be filed  
with the  
Department.

4.—(1) The treasurer of every municipality which by its by-law adopts the provisions of this Act shall file with the Department a statement according to the prescribed form as to all arrears of taxes owing to the municipality, and as to such other matters as the form may require to be furnished.

Considera-  
tion of tax  
arrears con-  
solidation  
scheme.

(2) The Department upon receipt of the statement mentioned in subsection 1 shall confer by correspondence or otherwise with the council and treasurer as to the appropriate scheme of tax arrears consolidation to be adopted for the municipality, and after considering all relevant matters the Department shall formulate a scheme for submission to the Minister for his approval.

Lands  
included in  
tax sale list  
may be  
covered by  
a scheme.

(3) Any scheme for consolidation of arrears of taxes may extend to include lands which have been included in a list of lands to be sold for taxes, but which have not been sold at the time the scheme is approved by the Minister.

Adoption of  
scheme.

(4) Forthwith after a scheme of tax arrears consolidation for a municipality has been approved in writing by the Minister, the same shall be effective for such municipality and the provisions of this Act shall apply.

Publication  
of notice of  
scheme.

(5) A copy of the scheme bearing the approval in writing of the Minister shall be sent to the treasurer of the municipality and he shall publish such notices thereof or extracts therefrom as the Department may direct.

Procedure  
for consoli-  
dation of tax  
arrears.

5.—(1) At any time after this Act becomes applicable in a municipality, but not later than the 1st day of October, 1935, any owner of land in such municipality in respect of which arrears of taxes are owing may apply to the treasurer of the municipality to have the amount of such arrears of taxes consolidated and payable in the manner provided for in this Act.

Form of  
application.

(2) Every application shall be in writing according to the prescribed form.



CLAUSE 4. As a preliminary to the adoption of a suitable scheme for consolidation of arrears, the municipal treasurer is to furnish a statement of outstanding tax arrears and other necessary particulars with the Department, which then in consultation with the Council and treasurer formulates a scheme for the Minister's approval. The approved scheme is then put into effect.

This method permits of a scheme being adopted which fits the particular needs of the municipality.

CLAUSE 5. Owners who desire to have their tax arrears consolidated apply to the municipal treasurer who decides on the application. An appeal to the Minister from the treasurer's refusal is provided for as a proper protection against discrimination.



Separate applications for each parcel.

(3) Each application shall be with respect to one parcel of land only unless two or more contiguous parcels are the property of one owner.

Decision of treasurer.

(4) Upon receipt of an application the treasurer shall determine whether it comes within the scheme for arrears of taxes consolidation provided for such municipality under this Act.

Appeal to Minister.

(5) In the event of the treasurer determining that any application is not within such scheme, he shall notify the applicant in writing accordingly, and in such case the applicant may appeal to the Minister in the matter, whose decision shall be final.

Total arrears to be consolidated.

6.—(1) Where an application is granted the total amount of the arrears of taxes of the owner shall be consolidated.

Execution of agreement and payments.

(2) The treasurer shall prepare in duplicate the consolidation agreement upon the prescribed form and in accordance with the scheme approved for the municipality and send the same to the owner for execution by him. Upon return of the executed documents accompanied by payment of the instalment payable at that time according to the terms of the agreement, the treasurer shall execute one copy of the agreement on behalf of the municipality and send or deliver the same to the owner.

Payment of current and future taxes.

(3) Every agreement shall contain a provision for payment by the owner of the whole or so much of the taxes of the current and succeeding years as the scheme approved for the municipality shall require.

Treasurer to have jurisdiction over agreements.

7.—(1) The treasurer shall file all agreements in his office and the same and the collection thereunder of all payments of arrears of taxes shall be under his jurisdiction.

Entries in rolls and records.

(2) The treasurer shall make or cause or authorize to be made in the assessment and collector's rolls and other books and records of the municipality such record and notations of consolidation agreements as may be requisite.

Special consolidation records.

(3) The treasurer shall keep such special rolls, books and records with respect to consolidation agreements and the lands and owners affected thereby as may be requisite.

Payments to be as agreed.

8.—(1) The amount of arrears of taxes consolidated under an agreement shall be payable as therein provided.

Interest to be added.

(2) Every agreement shall provide for interest from the date of the agreement being added to and paid upon the

CLAUSE 6. When an application is granted the treasurer is to prepare the agreement for consolidating the tax arrears and have it executed. The first instalment is to be paid when the agreement is made.

Every agreement is to stipulate as to taxes for the current and future years so as to ensure payment thereof in return for the leeway given for payment of tax arrears. This is essential to avoid a repetition of the trouble.

CLAUSE 7. The treasurer is vested with responsibility and authority to administer the scheme in his municipality.

CLAUSE 8. Interest at 6 per cent. per annum is to be charged upon the consolidated arrears. The agreement will provide for a proper scale of discounts for prompt payment of the instalments, which discounts, depending upon the circumstances, will exceed the interest charge and be based largely upon the penalties which have previously been added to the arrears. In most cases prompt payment of the instalments under the agreement will work out so that the last instalment will be altogether or nearly wiped out by discounts which have been credited.

amount of arrears of taxes consolidated at the rate of six per centum per annum, both before and after maturity; provided that no interest shall be charged upon the instalment paid upon execution of the agreement.

Discounts  
to be  
credited.

(3) Upon payment of an instalment provided for in the agreement on or before due date, a discount at the rate specified in the agreement shall be allowed and credited on the unpaid balance owing under such agreement.

Charges not  
to be  
waived.

**9.**—(1) Notwithstanding any of the provisions of this Act or of any scheme for consolidation of tax arrears approved or made effective, or agreement entered into thereunder, all arrears of taxes which are consolidated shall continue to be subject to all percentages, interest, costs and expenses which have been added to the same at the time of consolidation, and the same shall be waived and released only upon fulfilment of the agreement and payment of all sums and of current and future taxes as therein provided for.

Lien for  
taxes not  
affected.

(2) The arrears of taxes consolidated under any agreement shall be and remain a special lien upon the land in respect to which they are payable in priority over all claims, liens, privileges and encumbrances thereon, except claims of the Crown, and the liens, priorities and other rights with respect thereto provided for in *The Assessment Act* shall continue to apply thereto and to the collection and enforcement thereof, except that the treasurer and collector of taxes of the municipality without thereby waiving the statutory rights and powers of the municipality or of themselves shall not enforce collection of the arrears of taxes so consolidated during the time the agreement is in force.

Cancellation  
of agreement  
upon default.

**10.** If any default is made at any time in the payment of any instalment in respect of the consolidated arrears of taxes or of taxes of the current or future years as provided for in an agreement, and such default continues for three months, the treasurer may cancel the agreement, and all discounts which have been allowed and credited shall be cancelled and the whole of the unpaid balance of the consolidated tax arrears and all taxes of the current and other years then overdue and unpaid shall immediately become due and payable and all remedies for the enforcement of payment shall apply with the same force and effect as if the arrears of taxes had not been consolidated or any agreement entered into.

Powers for  
administra-  
tion of Act.

**11.**—(1) The Minister and the Department may for the purposes of this Act do all things necessary for the administration thereof and for formulating and approving schemes for consolidation of tax arrears for any municipality.

CLAUSE 9. Pending fulfilment of the agreement by the owner, the existing legal rights of the municipality are to continue, so that if default ensues, the lien for taxes and rights of recovery will not be lost.

CLAUSE 10. If default occurs on the part of the owner under the agreement, then the agreement may be cancelled and the municipality is restored to the position it would have occupied if the agreement had not been made.

CLAUSE 11. Contains necessary and suitable provisions for the administration of the Act under the auspices of the Department of Municipal Affairs.



Prescription  
of forms.

(2) The Department may adopt and prescribe forms of notices, applications, statements, returns, agreements, rolls, books, records and other documents necessary for the carrying out of this Act and of any scheme approved hereunder, and may vary such forms as circumstances may from time to time require.

Municipal  
returns.

(3) The Department may require the treasurer of every municipality which adopts this Act to make such annual or other reports and returns in respect to the scheme approved for the municipality of which he is treasurer and as to all agreements entered into thereunder.

Variation  
of schemes.

(4) The Minister may from time to time amend any scheme of consolidation of tax arrears which he has approved, as circumstances may appear to require.

Act not to  
apply to  
supervised  
municipali-  
ties without  
the  
Minister's  
approval.

**12.** This Act shall not without the approval of the Minister first being obtained apply to any municipality, which under the provisions of any Act, is subject to the jurisdiction of the Ontario Municipal Board or of the Department by reason of default in meeting any of its obligations.

Regulations.

**13.** The Lieutenant-Governor in Council may make regulations for the due carrying out of this Act according to its intent and purposes in respect to any matters not specifically authorized by the provisions of this Act, and every such regulation when published in the *Ontario Gazette* for two successive weeks shall have the same force and effect as if enacted by this Act.

Commence-  
ment of Act.

**14.** This Act shall come into force on the day upon which it receives the Royal Assent.



CLAUSE 12. As there are provisions in other Acts with respect to compromises of tax arrears in supervised municipalities, it is necessary that this Act shall not apply thereto unless the Minister approves.

CLAUSE 13. In an Act of this nature, it is impossible to foresee all the "kinks" which may occur for the proper working out of any scheme which may be adopted. It is desirable to cover such situations by regulations as may be necessary.

BILL

An Act respecting Arrears of Municipal  
Taxes.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Arrears of Municipal Taxes.

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MR. CROLL

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No. 119

1935

# BILL

An Act respecting Arrears of Municipal Taxes.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Municipal Tax Arrears Consolidation Act, 1935*.

Interpretations.      **2.** In this Act,—

"Arrears of taxes."      (a) "Arrears of taxes" means and includes all taxes and all rates, rents and other charges collectible as taxes on the collector's roll of a municipality owing in respect of more than one year as at the 31st day of December, 1934, and includes all percentages, charges, interest, costs and expenses lawfully added to or charged thereon;

"Department."      (b) "Department" means the Department of Municipal Affairs for Ontario;

"Minister."      (c) "Minister" means the Minister of Municipal Affairs for Ontario;

"Municipality."      (d) "Municipality" means a city, town, village or township;

"Owner."      (e) "Owner" means and includes any person who has any beneficial, legal or equitable interest in land and any mortgagee of such land.

Application of Act.      **3.**—(1) This Act shall apply to every municipality which by by-law thereof passed on or before the 1st day of July, 1935, declares that the provisions of this Act shall apply to such municipality.

Publication and filing of by-law.      (2) A certified copy of the by-law shall be filed with the Department forthwith after the same has been passed and a

copy thereof shall be published once a week for three successive weeks in a newspaper published in the municipality, or if none is so published, in some newspaper having a general circulation therein, and once in the *Ontario Gazette*.

(3) This Act shall not apply to any municipality which has not on or before the 1st day of July, 1935, passed a by-law as provided in subsection 1. When Act not to apply.

4.—(1) The treasurer of every municipality which by its by-law adopts the provisions of this Act shall file with the Department a statement according to the prescribed form as to all arrears of taxes owing to the municipality, and as to such other matters as the form may require to be furnished. Statements of tax arrears, etc., to be filed with the Department.

(2) The Department upon receipt of the statement mentioned in subsection 1 shall confer by correspondence or otherwise with the council and treasurer as to the appropriate scheme of consolidation of arrears of taxes to be adopted for the municipality, and after considering all relevant matters the Department shall formulate a scheme for submission to the Minister for his approval. Consideration of tax arrears consolidation scheme.

(3) Any scheme for consolidation of arrears of taxes may extend to include lands which have been included in a list of lands to be sold for taxes, but which have not been sold at the time the scheme is approved by the Minister. Lands included in tax sale list may be covered by a scheme.

(4) Forthwith after a scheme of consolidation of arrears of taxes for a municipality has been approved in writing by the Minister, the same shall be effective for such municipality and the provisions of this Act shall apply. Adoption of scheme.

(5) A copy of the scheme bearing the approval in writing of the Minister shall be sent to the treasurer of the municipality and he shall publish such notices thereof or extracts therefrom as the Department may direct. Publication of notice of scheme.

5.—(1) At any time after this Act becomes applicable in a municipality, but not later than the 1st day of October, 1935, any owner of land in such municipality in respect of which arrears of taxes are owing may apply to the treasurer of the municipality to have the amount of such arrears of taxes consolidated and payable in the manner provided for in this Act. Procedure for consolidation of tax arrears.

(2) Every application shall be in writing according to the prescribed form. Form of application.



Separate applications for each parcel.

(3) Each application shall be with respect to one parcel of land only unless two or more contiguous parcels are the property of one owner.

Decision of treasurer.

(4) Upon receipt of an application the treasurer shall determine whether it comes within the scheme for arrears of taxes consolidation provided for such municipality under this Act.

Appeal to Minister.

(5) In the event of the treasurer determining that any application is not within such scheme, he shall notify the applicant in writing accordingly, and in such case the applicant may appeal to the Minister in the matter, whose decision shall be final.

Total arrears to be consolidated.

**6.—**(1) Where an application is granted the total amount of the arrears of taxes of the owner shall be consolidated.

Execution of agreement and payments.

(2) The treasurer shall prepare in duplicate the consolidation agreement upon the prescribed form and in accordance with the scheme approved for the municipality and send the same to the owner for execution by him. Upon return of the executed documents accompanied by payment of the instalment payable at that time according to the terms of the agreement, the treasurer shall execute one copy of the agreement on behalf of the municipality and send or deliver the same to the owner.

Payment of current and future taxes.

(3) Every agreement shall contain a provision for payment by the owner of the whole or so much of the taxes of the current and succeeding years as the same respectively become due and payable as the scheme approved for the municipality shall require.

Treasurer to have jurisdiction over agreements.

**7.—**(1) The treasurer shall file all agreements in his office and the same and the collection thereunder of all payments of arrears of taxes shall be under his jurisdiction.

Entries in rolls and records.

(2) The treasurer shall make or cause or authorize to be made in the assessment and collector's rolls and other books and records of the municipality such record and notations of consolidation agreements as may be requisite.

Special consolidation records.

(3) The treasurer shall keep such special rolls, books and records with respect to consolidation agreements and the lands and owners affected thereby as may be requisite.

Payments to be as agreed.

**8.—**(1) The amount of arrears of taxes consolidated under an agreement shall be payable as therein provided.

Interest to be added.

(2) Every agreement shall provide for interest from the date of the agreement being added to and paid upon the

amount of arrears of taxes consolidated at the rate of six per centum per annum, both before and after maturity; provided that no interest shall be charged upon the instalment paid upon execution of the agreement.

(3) Upon payment of an instalment provided for in the agreement on or before due date, a discount at the rate specified in the agreement shall be allowed and credited on the unpaid balance owing under such agreement. <sup>Discounts to be credited.</sup>

**9.—**(1) Notwithstanding any of the provisions of this Act or of any scheme for consolidation of arrears of taxes approved or made effective, or agreement entered into thereunder, all arrears of taxes which are consolidated shall continue to be subject to all percentages, interest, costs and expenses which have been added to the same at the time of consolidation, and the same shall be waived and released only upon fulfilment of the agreement and payment of all sums and of current and future taxes as therein provided for. <sup>Charges not to be waived.</sup>

(2) The arrears of taxes consolidated under any agreement shall be and remain a special lien upon the land in respect to which they are payable in priority over all claims, liens, privileges and encumbrances thereon, except claims of the Crown, and the liens, priorities and other rights with respect thereto provided for in *The Assessment Act* shall continue to apply thereto and to the collection and enforcement thereof, except that the treasurer and collector of taxes of the municipality without thereby waiving the statutory rights and powers of the municipality or of themselves shall not enforce collection of the arrears of taxes so consolidated during the time the agreement is in force. <sup>Lien for taxes not affected.</sup>

**10.** If any default is made at any time in the payment of any instalment in respect of the consolidated arrears of taxes or of taxes of the current or future years as provided for in an agreement, and such default continues for three months, the treasurer may cancel the agreement, and all discounts which have been allowed and credited shall be cancelled and the whole of the unpaid balance of the consolidated arrears of taxes and all taxes of the current and other years then overdue and unpaid shall immediately become due and payable and all remedies for the enforcement of payment shall apply with the same force and effect as if the arrears of taxes had not been consolidated or any agreement entered into. <sup>Cancellation of agreement upon default.</sup>

**11.—**(1) The Minister and the Department may for the purposes of this Act do all things necessary for the administration thereof and for formulating and approving schemes for consolidation of arrears of taxes for any municipality. <sup>Powers for administration of Act.</sup>

Prescription  
of forms.

(2) The Department may adopt and prescribe forms of notices, applications, statements, returns, agreements, rolls, books, records and other documents necessary for the carrying out of this Act and of any scheme approved hereunder, and may vary such forms as circumstances may from time to time require.

Municipal  
returns.

(3) The Department may require the treasurer of every municipality which adopts this Act to make such annual or other reports and returns in respect to the scheme approved for the municipality of which he is treasurer and as to all agreements entered into thereunder.

Variation  
of schemes.

(4) The Minister may from time to time amend any scheme of consolidation of arrears of taxes which he has approved, as circumstances may appear to require.

Act not to  
apply to  
supervised  
municipali-  
ties without  
the  
Minister's  
approval.

**12.** This Act shall not without the approval of the Minister first being obtained apply to any municipality, which under the provisions of any Act, is subject to the jurisdiction of the Ontario Municipal Board or of the Department by reason of default in meeting any of its obligations.

Regulations.

**13.** The Lieutenant-Governor in Council may make regulations for the due carrying out of this Act according to its intent and purposes in respect to any matters not specifically authorized by the provisions of this Act, and every such regulation when published in the *Ontario Gazette* for two successive weeks shall have the same force and effect as if enacted by this Act.

Commence-  
ment of Act.

**14.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act respecting Arrears of Municipal  
Taxes.

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 16th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Surrogate Courts Act.

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MR. ROEBUCK

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No 120

1935

# BILL

An Act to amend The Surrogate Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Surrogate Courts Amendment Act, 1935*.

Rev. Stat.,  
c. 94,  
amended.

**2.** *The Surrogate Courts Act* is amended by adding thereto the following section:

When security not required.

**54a.** It shall not be necessary for the Government of Ontario or any department thereof or any Provincial Commission or Board created under any Act of this Legislature to give any security for the due performance of its duty as executor, administrator, trustee, committee, or in any other office to which it may be appointed by order of the court or under the provisions of any statute.

Commencement of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to provide that a Department of the Government or any Provincial Commission or Board created under any Act of this Legislature shall not require to furnish a bond or security where letters of probate or letters of administration of any estate are applied for.

BILL

An Act to amend The Surrogate  
Courts Act.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Surrogate Courts Act.

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MR. ROEBUCK

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BILL

An Act to amend The Surrogate  
Courts Act.

---

*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Surrogate Courts Act.

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MR. ROEBUCK

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No. 120

1935

# BILL

## An Act to amend The Surrogate Courts Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Surrogate Courts Amendment Act, 1935*.

Rev. Stat.,  
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amended.      **2.** *The Surrogate Courts Act* is amended by adding thereto the following section:

When security not required.      **54a.** It shall not be necessary for the Government of Ontario or any department thereof or any Provincial Commission or Board created under any Act of this Legislature to give any security for the due performance of its duty as executor, administrator, trustee, committee, or in any other office to which it may be appointed by order of the court or under the provisions of any statute.

Commencement of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Surrogate  
Courts Act.

---

*1st Reading*

April 10th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Workmen's Compensation Act.

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MR. ROEBUCK

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No. 121

1935

# BILL

An Act to amend The Workmen's Compensation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1935*.

Rev. Stat.,  
c. 179, s. 56,  
re-enacted.      **2.** Section 56 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Tenure of  
office of  
Commis-  
sioners.      56. Subject to section 57 each commissioner shall after the fifteenth day of October, 1934, hold office during the pleasure of the Lieutenant-Governor in Council.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of the amendment is to permit the members of The Workmen's Compensation Board to be removed at the pleasure of the Lieutenant-Governor in Council.

BILL

An Act to amend The Workmen's  
Compensation Act.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Workmen's Compensation Act

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MR. ROEBUCK

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No. 121

1935

# BILL

An Act to amend The Workmen's Compensation Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Workmen's Compensation Amendment Act, 1935*.

Rev. Stat.,  
c. 179, s. 56,  
re-enacted.      **2.** Section 56 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Tenure of  
office of  
Commis-  
sioners.      56. Subject to section 57 each commissioner shall after the 15th day of October, 1934, hold office during the pleasure of the Lieutenant-Governor in Council.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



Bill  
An Act to amend 'The Workmen's  
Compensation Act.

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 12th, 1935

*3rd Reading*

April 16th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Mortgagors' and Purchasers' Relief Act, 1935.

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MR. ROEBUCK

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No. 122

1935

# BILL

The Mortgagors' and Purchasers' Relief Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1935*.

1933, c. 35,  
continued  
in force.

1934, c. 33.

**2.**—(1) Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, or *The Mortgagors' and Purchasers' Relief Act, 1934*, all the other provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall, subject to the provisions of subsection 2 of this section, continue in force and have effect until the 30th day of June, 1936.

Power of  
Lieutenant-  
Governor  
in Council  
to terminate  
or limit  
operation  
of Act.

(2) The Lieutenant-Governor in Council may at any time terminate the operation of the said Act, or provide that the said Act shall have effect subject to such limitations as may be contained in the Order-in-Council.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



#### EXPLANATORY NOTE

The object of this Bill is to continue in force the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, until the 30th day of June, 1936.

BILL

The Mortgagors' and Purchasers' Relief  
Act, 1935.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Mortgagors' and Purchasers' Relief Act, 1935.

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MR. ROEBUCK

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No. 122

1935

# BILL

The Mortgagors' and Purchasers' Relief Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1935*.

1933, c. 35,  
continued  
in force.

1934, c. 33.

**2.**—(1) Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, or *The Mortgagors' and Purchasers' Relief Act, 1934*, all the other provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall, subject to the provisions of subsection 2 of this section, continue in force and have effect until the 30th day of June, 1936.

Power of  
Lieutenant-  
Governor  
in Council  
to terminate  
or limit  
operation  
of Act.

(2) The Lieutenant-Governor in Council may at any time terminate the operation of the said Act, or provide that the said Act shall have effect subject to such limitations as may be contained in the Order-in-Council.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

The Mortgagees' and Purchasers' Relief  
Act, 1935.

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*1st Reading*

April 10th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Judicature Act.

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MR. ROEBUCK

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No. 123

1935

# BILL

## An Act to amend The Judicature Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Judicature Amendment Act, 1935*.

Rev. Stat.,  
c. 88, s. 15,  
cl. i,  
re-enacted.

**2.** Clause *i* of section 15 of *The Judicature Act* is repealed and the following substituted therefor:

- (i) In case bonds or debentures are secured by a mortgage or charge by virtue of a trust deed or other instrument and whether or not provision is contained in the trust deed or other instrument creating such mortgage or charge giving to the holders of such bonds or debentures or a majority, or a specified majority of them, power to sanction the sale, transfer or exchange of the mortgaged or charged premises for a consideration other than cash, and in case any action shall have been brought or shall be brought for the purpose of enforcing or realizing upon any such mortgage or charge, or for the execution of the trusts in any such trust deed or other instrument with or without other relief, the court may order a meeting or meetings of the holders of such bonds or debentures to be summoned and held in such manner as the court may direct, and if the holders of such bonds or debentures shall sanction or approve the sale, transfer or exchange of the property so mortgaged or charged for a consideration wholly or in part other than cash, the court may in such action order and approve such sale on such terms in all respects as the court shall think fair and reasonable having regard to the interests of all parties interested in the premises and property so mortgaged or charged, and in such order or by any subsequent order may make provision in such manner, on such terms in all respects as to the court

#### EXPLANATORY NOTES

The purpose of this amendment is to permit the holders of bonds or debentures which are secured by a mortgage or charge by virtue of a trust deed or other instrument, power to sanction the sale of the mortgaged premises in case of default for a consideration other than cash, subject to the approval of the Court.

At the present time this can only be done where there is special provision in the trust deed; where there is no such provision in the trust deed the sale must be made for cash and the re-organization of large companies is therefore greatly hindered.

may seem proper, for the transfer to and vesting in the purchaser or his or its assigns of the whole or any part of the premises and property so mortgaged or charged and so sold, and for the payment of the proper costs, charges and expenses and remuneration of any trustee or trustees under such trust deed or other instrument and of any receiver or receiver and manager appointed by the court, and of any committee or other persons representing holders of such bonds or debentures, and for the distribution or other disposition of the proceeds of such sale, and for the protection of any or all persons whose interests are affected by such order, and for all such incidental, consequential and supplemental matters as the court may deem just.

- (i) The approval of the holders of any such bonds or debentures may be given by resolution passed at a meeting, by the votes of the holders of a majority in principal amount of such bonds or debentures, represented and voting in person or by proxy, and holding not less than fifty per centum in principal amount, or such lesser amount as the court under all the circumstances may approve, of the issued and outstanding bonds or debentures in question.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Judicature  
Act.

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*1st Reading*

April 10th, 1935

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Judicature Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Judicature Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Judicature Amendment Act, 1935*.

Rev. Stat.,  
c. 88, s. 15,  
cl. i,  
re-enacted.

**2.** Clause *i* of section 15 of *The Judicature Act* is repealed and the following substituted therefor:

- (i) In case bonds or debentures are secured by a mortgage or charge by virtue of a trust deed or other instrument and whether or not provision is contained in the trust deed or other instrument creating such mortgage or charge giving to the holders of such bonds or debentures or a majority, or a specified majority of them, power to sanction the sale, transfer or exchange of the mortgaged or charged premises for a consideration other than cash, and in case any action shall have been brought or shall be brought for the purpose of enforcing or realizing upon any such mortgage or charge, or for the execution of the trusts in any such trust deed or other instrument with or without other relief, the court may order a meeting or meetings of the holders of such bonds or debentures to be summoned and held in such manner as the court may direct, and if the holders of such bonds or debentures shall sanction or approve the sale, transfer or exchange of the property so mortgaged or charged for a consideration wholly or in part other than cash, the court may in such action order and approve such sale on such terms in all respects as the court shall think fair and reasonable having regard to the interests of all parties interested in the premises and property so mortgaged or charged, and in such order or by any subsequent order may make provision in such manner, on such terms in all respects as to the court

may seem proper, for the transfer to and vesting in the purchaser or his or its assigns of the whole or any part of the premises and property so mortgaged or charged and so sold, and for the payment of the proper costs, charges and expenses and remuneration of any trustee or trustees under such trust deed or other instrument and of any receiver or receiver and manager appointed by the court, and of any committee or other persons representing holders of such bonds or debentures, and for the distribution or other disposition of the proceeds of such sale, and for the protection of any or all persons whose interests are affected by such order, and for all such incidental, consequential and supplemental matters as the court may deem just.

- (i) The approval of the holders of any such bonds or debentures may be given by resolution passed at a meeting, by the votes of the holders of a majority in principal amount of such bonds or debentures, represented and voting in person or by proxy, and holding not less than fifty per centum in principal amount, or such lesser amount as the court under all the circumstances may approve, of the issued and outstanding bonds or debentures in question.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.

BILL

An Act to amend The Judicature  
Act.

---

*1st Reading*

April 10th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

**An Act to amalgamate the City of East Windsor, the Town of  
Walkerville, the City of Windsor and the  
Town of Sandwich.**

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MR. CROLL

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# BILL

An Act to amalgamate the City of East Windsor, the Town of Walkerville, the City of Windsor and the Town of Sandwich.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The City of Windsor (Amalgamation) Act, 1935*.

Interpre-      **2.** In this Act,—  
tations.

"Amalgamated municipalities."      (a) "Amalgamated municipalities" shall mean East Windsor, Walkerville, Windsor and Sandwich;

"East Windsor, etc."      (b) "East Windsor," "Walkerville," "Windsor" and "Sandwich" shall respectively mean the municipality and corporation of the city of East Windsor, the town of Walkerville, the city of Windsor and the town of Sandwich;

"Finance commission."      (c) "Finance commission" shall mean The Windsor Finance Commission constituted under this Act;

"Municipal Board."      (d) "Municipal Board" shall mean the Ontario Municipal Board;

"New city."      (e) "New city" shall mean the municipality and corporation of the city of Windsor incorporated under the provisions of this Act by the amalgamation of East Windsor, Walkerville, Windsor and Sandwich.

Amalgamation and incorporation of new city.      **3.**—(1) East Windsor, Walkerville, Windsor and Sandwich and the inhabitants of them respectively are hereby amalgamated into and shall be and form one municipality, municipal corporation and body corporate under the name of "The Corporation of the City of Windsor," hereinafter referred to as the new city.



#### EXPLANATORY NOTES

General. This Bill accomplishes the amalgamation of East Windsor, Walkerville, Windsor and Sandwich into one city to be known as the city of Windsor, and provides for the separation of Sandwich from the county of Essex.

The amalgamation will take place on the 1st of July, 1935, but for administrative purposes the affairs of the four municipalities may be continued for the balance of the current year as if they had not been amalgamated.

The Bill provides for the creation of a special Finance Commission to bring amalgamation into effect, and this commission will proceed immediately upon its appointment to do all things necessary to effectuate amalgamation.

Permission is made for the election of a council to be composed of a mayor and ten aldermen elected by wards for two year terms, and a Board of Education composed of seven members, five to be elected by the public school supporters and two to be appointed by the Separate School Board, and a Separate School Board to be composed of five members. In addition, a new utilities commission is to be created, the members of which are to be appointed by the city council, and this commission will take the place of the Essex Border Utilities Commission and all the water-works and Hydro commissions of the four municipalities.

Clause 3. This clause creates the new city and prescribes its area.

Area and  
confines  
of new city.

(2) The area and confines of the new city shall be and include all the lands and territories which at the time of the passing of this Act formed, comprised and confined the amalgamated municipalities and shall extend to the boundary of the Province in the River Detroit in prolongation of the outlines of the new city, and the new city shall also include all the islands, the whole or the greater part of which, are comprised within the said outlines so prolonged.

When amal-  
gamation  
effective.

4.—(1) Subject as herein provided, the amalgamation and incorporation of the new city shall take effect for the purposes hereinafter mentioned at the time of the passing of this Act, and for all purposes on the 1st day of July, 1935, provided that the affairs of the amalgamated municipalities shall until the 1st day of January, 1936, continue to be administered as if they had remained as separate and several municipalities and municipal corporations to such extent and for such purposes as the finance commission may deem requisite, but on the said date each of them shall then be dissolved and cease to exist, and the new city shall take their place.

When amal-  
gamation  
may be  
deferred.

(2) If for any reason it becomes imperative that the said amalgamation and incorporation of the new city be deferred until some date in 1935 subsequent to the 1st day of July, the Lieutenant-Governor in Council may by his Proclamation defer the same until such date as the Proclamation may provide, but in any event the said amalgamation and incorporation shall for all purposes take place not later than the 1st day of January, 1936.

Constitution  
of finance  
commission.

5.—(1) Forthwith after the passing of this Act there shall be constituted a finance commission to be known as "The Windsor Finance Commission" to be composed and to have and exercise the functions, powers and duties hereinafter provided.

Three  
members.

(2) The finance commission shall be composed of three persons, all of whom shall in the first instance be appointed by the Lieutenant-Governor in Council to hold office during pleasure, one of them being an owner of real property in one of the amalgamated municipalities rated upon the last revised assessment roll for not less than \$2,000, and one of them being appointed to represent holders of debentures of the amalgamated municipalities.

Chairman.

(3) The Lieutenant-Governor in Council shall designate which one of the members of the finance commission shall be the chairman.

Quorum

(4) A quorum of the finance commission shall be two members thereof.

Clause 4 provides for amalgamation taking effect on the 1st of July, 1935, with the right, however, to postpone the date, if essential, by Royal Proclamation.

Clause 5 creates the Windsor Finance Commission to be composed of three members, two to be appointed by Order-in-Council, and one to be elected by the property owners of the new city. The first members, however, are all to be appointed by Order-in-Council. One of the members of the commission is to represent creditors.

Election of  
property  
owning  
member.

(5) At the time of election of the first council of the new city, an election shall be held to elect one of the members of the finance commission who shall be an owner of real property in the new city rated upon the assessment roll thereof for not less than \$2,000.

When first  
appointed  
property  
owning  
member  
to vacate  
his office.

(6) The property owning member of the finance commission appointed in the first instance by the Lieutenant-Governor in Council shall cease to be a member upon election of the property owning member mentioned in subsection 5, but shall be eligible for election as such member.

Term of  
office of  
elected  
member.

(7) The property owning member when elected shall hold office for a term of two years, and until his successor is elected.

Finance  
commission  
general  
powers and  
duties as  
under  
Part III of  
Department  
of Municipal  
Affairs Act.

**6.—**(1) The finance commission with respect to the amalgamated municipalities and each of them, and to their local boards, and to the new city shall have and exercise the same rights, authorities, powers and duties as by the provisions of Part III of *The Department of Municipal Affairs Act, 1935*, are conferred upon the said department, and the finance commission shall also have the rights, powers and duties conferred upon it by this Act.

Appoint-  
ment of  
finance  
comptroller.

(2) The finance commission shall appoint a finance comptroller who shall be the chief executive officer of the finance commission, and of the amalgamated municipalities and the new city. He shall hold office during the pleasure of the finance commission.

Duties of  
finance  
commission.

**7.** The finance commission shall forthwith after taking office:

Assessment  
roll.

(a) undertake or cause to be undertaken the preparation and making of the assessment rolls of the new city for the year 1936, so that the same is completed by the 1st day of August, 1935;

Voters'  
list.

(b) cause to be undertaken the preparation of the voters' list for the new city for the purpose of the election of the first council and local boards;

Refunding  
scheme.

(c) undertake the preparation and submission of a plan for funding and refunding the debts of the amalgamated municipalities, upon the general basis that the debt of each of the amalgamated municipalities shall be discharged by the imposition of rates upon the rateable property in that area of the new city which formerly comprised such municipality;



Clause 6 gives the finance commission general power of supervision over all the financial affairs of the four municipalities and of the new city to the same extent as formerly exercised by Committees of Supervisors and now by the Department of Municipal Affairs, in relation to insolvent municipalities.

The finance commission is to appoint a finance comptroller who will be the chief executive officer for the commission, and of the new city.

Clause 7 prescribes the immediate duties of the finance commission for the purpose of bringing amalgamation into effect.



- Polling subdivisions. (d) fix the polling subdivisions into which the new city is to be divided so that the same are determined in time for the election of the first council and local boards;
- Income tax roll. (e) cause to be prepared and made a special income assessment and tax roll for the new city for the purpose of taxation of incomes in 1936 according to such basis as may be approved by the Lieutenant-Governor in Council;
- Administration system. (f) prepare the administration system for the new city so that it shall be in effective operation on the 1st day of July, 1935, or so soon thereafter as may be;
- Estimates for 1936. (g) prepare the estimates of revenues and expenditures for 1936 for the new city and every local board thereof so that the same will be effective from the 1st day of January, 1936;
- By-law revision. (h) revise and consolidate the by-laws of the amalgamated municipalities for the purposes of the new city;
- Other matters. (i) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the amalgamation provided for in this Act.
- Wards. **8.** The new city shall be divided into five wards to be composed as determined by the finance commission and approved by the Municipal Board.
- Council. **9.—(1)** The council of the new city shall be composed of a mayor to be elected by general vote, and of ten aldermen to be elected two for each of the five wards of the new city.
- Term of office. (2) The mayor and aldermen shall each hold office for a term of two years, provided that at the first election all the members of Council shall be elected to hold office only until the 1st day of January, 1937. At the annual election held for the year 1937 of the two aldermen elected for each ward the one elected by the highest number of votes shall hold office for two years and the other shall hold office for one year. Thereafter at each succeeding annual election the one alderman to be elected for each ward shall hold office for two years.
- Board of Education. **10.—(1)** The Board of Education for the new city shall be composed of seven members, five of whom shall be elected by the vote of the electors who are public school supporters and two of whom shall be appointed by the separate school board for the new city.

Clause 8 provides for the division of the new city into five wards.

Clause 9 sets forth the composition of the new council.

Clause 10 sets forth the composition of the Board of Education.

Term of  
office.

(2) The elected members of the board shall hold office for a term of two years and shall be elected biennially. The two members appointed by the separate school board shall be appointed annually by the said board at its first meeting in every year, provided that the members first elected and appointed to the board shall hold office until the 1st day of January, 1937.

Separate  
school  
board.

**11.** The separate school board for the new city shall be composed of five members, one to be elected for each of the five wards, and to hold office for a term of two years, provided that the members first elected to the board shall hold office until the 1st day of January, 1937.

Windsor  
Utilities  
Commission  
to take the  
place of  
Essex  
Border  
Commission.

**12.—(1)** The Essex Border Utilities Commission shall be dissolved on the 1st day of July, 1935, or at such later date in 1935 as the Lieutenant-Governor in Council may by his Proclamation provide, and in the place and stead of the said commission there shall be established and substituted a commission to be known as "The Windsor Utilities Commission" which shall have and exercise all the powers, functions and duties of the Essex Border Utilities Commission under the special and general Acts relating to and governing or affecting the said commission.

Composition  
of com-  
mission.

(2) The Windsor Utilities Commission shall be composed of the mayor of the new city who shall hold office, *ex officio*, and four members to be appointed by the council of the new city who shall hold office for the term of four years, provided that the first appointed members shall hold office until the 1st day of January, 1937, and that of the four members first appointed by the council after the 1st day of January, 1937, two of them shall be designated to hold office for four years and two of them to hold office for two years. Thereafter two members shall be appointed biennially to hold office for four years.

Rights of  
other  
muni-  
cipalities  
provided  
for.

(3) To protect and serve the rights and interests of the municipalities of Riverside, LaSalle, Ojibway, Sandwich East and Sandwich West in the undertakings of the Essex Border Utilities Commission there shall be established by the Municipal Board such committee of the Windsor Utilities Commission as may appear necessary, and in relation to the said rights and interest the committee shall have and exercise such powers and duties as the Municipal Board may from time to time prescribe, and in case of any dispute between such committee and the Windsor Utilities Commission the matter shall be determined by the Municipal Board, the decision of which shall be final and conclusive and binding upon the new city, the said mentioned municipalities and the said commission and committee.

Clause 11 sets forth the composition of the Separate School Board.

Clause 12 sets forth the composition of the new Utilities Commission and provides for it taking the place of the Essex Border Utilities Commission, with provision for protection of the rights of other municipalities in the undertakings of the Essex Border Utilities Commission.



Parks and  
libraries  
to be under  
the council.

**13.** The council of the new city shall have the management and control of all parks and play grounds, and of all public libraries in the new city, in the place and stead of a board of park management and public library board.

Vocational  
school  
to be under  
board of  
education.

**14.** The board of education for the new city shall have vested in it the ownership, management, control and maintenance of the Windsor-Walkerville Vocational School in the place and stead of the Windsor-Walkerville Vocational School Board, which from the 1st day of January, 1936, shall be dissolved and cease to exist.

Board of  
health.

**15.—(1)** The Windsor Utilities Commission shall appoint a local board of health for the new city to be composed of five members, one to represent each of the five wards of the new city and to be a resident in the ward which he represents.

Metropolitan  
hospital.

**(2)** The local board of health shall have the management, control and maintenance of the Metropolitan Hospital.

Water and  
hydro  
systems to  
be vested in  
utilities  
commission.

**16.** The management, control and operation of the undertakings of the Essex Border Utilities Commission and of waterworks systems and hydro electric systems of the amalgamated municipalities and of the new city shall be vested in the Windsor Utilities Commission, and from the date of the establishment of such commission the waterworks commissions and hydro commissions of the amalgamated municipalities, including the Walkerville-East Windsor Water Commission, shall be dissolved and cease to exist.

Adjustment  
of assets.

**17.—(1)** The finance commission shall as soon as may be after it takes office,—

Amalga-  
mated  
municipalities.

(a) determine and adjust all the assets of the amalgamated municipalities among them upon such basis that each of them shall be credited equitably in respect thereto when such assets become vested in the new city or in the local board thereof which shall exercise jurisdiction over the same;

County and  
Sandwich.

(b) in conjunction with the council of the County of Essex, determine and adjust assets and liabilities as between the said county and Sandwich in respect to the separation of Sandwich from the said county;

Other  
matters  
with the  
county.

(c) in conjunction with the council of the county of Essex, adjust and determine all matters between the said county and any of the amalgamated municipalities other than Sandwich, and between the said county and the new city;



Clause 13 substitutes the council for a parks board and library board in relation to parks and libraries.

Clause 14 transfers control over the vocational school to the new Board of Education.

Clause 15 provides for the appointment of a Board of Health by the Utilities Commission, and for its control over the civic hospital.

Clause 16 vests in the new Utilities Commission all utility undertakings.

Clause 17 provides for the necessary adjustment of assets between the amalgamated municipalities, and with the county.

Matters  
with other  
municipi-  
palities.

- (d) in conjunction with the council of any other municipality affected, adjust any assets and liabilities which by reason of the creation of the new city it is requisite or desirable be adjusted.

Separation  
of Sandwich  
from the  
county.

**18.** From and after the 1st day of July, 1936, or such later date as may be proclaimed under this Act, Sandwich and the area and territory composing the same shall be separated from and shall no longer form part of the county of Essex for municipal purposes.

Disputes  
to be dealt  
with by  
Municipal  
Board.

**19.** Any dispute which may arise with respect to the adjustment of assets and liabilities or other matters referred to in section 17 shall be determined by the Municipal Board, and its decision shall be final and conclusive.

Vesting of  
assets in  
new city  
and its  
boards.

**20.** Upon and from the final incorporation of the new city all the assets of the amalgamated municipalities shall be vested in and become the property of the new city, and all the assets of the several public school boards and boards of education of the amalgamated municipalities and of the Windsor-Walkerville Vocational School Board shall be vested in and become the property of the board of education of the new city and all the assets of the several separate school boards of the amalgamated municipalities shall be vested in and become the property of the separate school board of the new city.

Vesting of  
assets in  
utilities  
commission.

**21.** The assets of the Essex Border Utilities Commission and of the several waterworks commissions and hydro commissions and of the Walkerville-East Windsor Water Commission shall on and from the date of final incorporation of the new city be vested in and become the property of the Windsor Utilities Commission for and on behalf of the new city.

First  
election  
in new city.

**22.—(1)** The first election of the council, board of education and separate school board of the new city shall be held on such day in 1935 as the Lieutenant-Governor in Council upon the recommendation of the finance commission may appoint.

Provision  
for election  
and  
nominations.

**(2)** For the purposes of such election the finance commission shall appoint the times and places at which the new election and the nomination meetings therefor shall be held and the returning officer, deputy returning officers and poll clerks who shall hold such elections.

Staff of  
finance  
commission.

**23.—(1)** The finance commission may appoint such officers, clerks and servants as may be necessary for its purposes, and shall fix their salaries and that of the finance comptroller.

Salaries of  
commission.

**(2)** The salaries or other remuneration of the members of the finance commission shall be fixed by the Lieutenant-Governor in Council.

Clause 18 deals with the separation of Sandwich from the county.

Clause 19 provides for the Municipal Board determining disputes and adjustment of assets and liabilities.

Clauses 20 and 21 vest in the new municipality and its local boards all the assets of the four amalgamated municipalities.

Clause 22 makes provision for the first elections of the council and school boards.

Clause 23 provides for the staff and expenditures of the finance commission.

Salaries  
and  
expenses,—  
how borne.

(3) The salaries and expenses of the members of the finance commission and of the finance comptroller and of its staff shall for the year 1935 be paid by the amalgamated municipalities in such proportions, manner and at such times as the finance commission may determine.

Miscel-  
laneous  
matters.

**24.** The Municipal Board may for the purpose of effecting amalgamation provided for by this Act and of fully effectuating and carrying into effect the provisions of this Act and the incorporation and functioning of the new city do and authorize to be done such things as may be necessary or incidental thereto, and for such purpose may make rules and regulations and issue orders and directions in respect to any matters not specifically provided for in this Act, and every such rule, regulation, order and direction shall be valid and binding upon the amalgamated municipalities and all persons affected thereby as if enacted by this Act.

Application  
of general  
and special  
Acts.

**25.** Subject as provided in this Act, the provisions of the general statutes in respect to municipal institutions and affairs and to schools and school boards and to utility commissions, and of any special Acts respecting the amalgamated municipalities or any of them shall apply to the new city and the local boards thereof.

Commence-  
ment of  
Act.

**26.** This Act shall come into force on the day upon which it receives the Royal Assent.

Clause 24 gives general authority to the Municipal Board to deal with all miscellaneous matters which have to be provided for to bring about amalgamation.

Clause 25 provides for the application of general and municipal school statutes to the new city.







BILL

The City of Windsor (Amalgamation) Act,  
1935.

---

*1st Reading*

April 11th, 1935

*2nd Reading*

*3rd Reading*

---

MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

An Act to amalgamate the City of East Windsor, the Town of  
Walkerville, the City of Windsor and the  
Town of Sandwich.

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MR. CROLL

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# BILL

An Act to amalgamate the City of East Windsor, the Town of Walkerville, the City of Windsor and the Town of Sandwich.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The City of Windsor (Amalgamation) Act, 1935*.

Interpre-      **2.** In this Act,—  
tations.

"Amalgamated municipalities."      (a) "Amalgamated municipalities" shall mean East Windsor, Walkerville, Windsor and Sandwich;

"East Windsor, etc."      (b) "East Windsor," "Walkerville," "Windsor" and "Sandwich" shall respectively mean the municipality and corporation of the city of East Windsor, the town of Walkerville, the city of Windsor and the town of Sandwich;

"Finance commission."      (c) "Finance commission" shall mean The Windsor Finance Commission constituted under this Act;

"Municipal Board."      (d) "Municipal Board" shall mean the Ontario Municipal Board;

"New city."      (e) "New city" shall mean the municipality and corporation of the city of Windsor incorporated under the provisions of this Act by the amalgamation of East Windsor, Walkerville, Windsor and Sandwich.

Amalgamation and incorporation of new city.      **3.—**(1) East Windsor, Walkerville, Windsor and Sandwich and the inhabitants of them respectively are hereby amalgamated into and shall be and form one municipality, municipal corporation and body corporate under the name of "The Corporation of the City of Windsor," hereinafter referred to as the new city.



(2) The area and confines of the new city shall be and include <sup>Area and confines of new city.</sup> all the lands and territories which at the time of the passing of this Act formed, comprised and confined the amalgamated municipalities and shall extend to the boundary of the Province in the River Detroit in prolongation of the outlines of the new city, and the new city shall also include all the islands, the whole or the greater part of which, are comprised within the said outlines so prolonged.

4.—(1) Subject as herein provided, the amalgamation and incorporation of the new city shall take effect for the purposes <sup>When amalgamation effective.</sup> hereinafter mentioned at the time of the passing of this Act, and for all purposes on the 1st day of July, 1935, provided that the affairs of the amalgamated municipalities shall until the 1st day of January, 1936, continue to be administered as if they had remained as separate and several municipalities and municipal corporations to such extent and for such purposes as the finance commission may deem requisite, but on the said date each of them shall then be dissolved and cease to exist, and the new city shall take their place.

(2) If for any reason it becomes imperative that the said <sup>When amalgamation may be deferred.</sup> amalgamation and incorporation of the new city be deferred until some date in 1935 subsequent to the 1st day of July, the Lieutenant-Governor may by his Proclamation defer the same until such date as the Proclamation may provide, but in any event the said amalgamation and incorporation shall for all purposes take place not later than the 1st day of January, 1936.

(3) The councils and local boards of the amalgamated <sup>Tenure of office.</sup> municipalities and the members thereof shall remain in office until such day as the Lieutenant-Governor shall by his Proclamation provide.

5.—(1) Forthwith after the passing of this Act there shall <sup>Constitution of finance commission.</sup> be constituted a finance commission to be known as "The Windsor Finance Commission" to be composed and to have and exercise the functions, powers and duties hereinafter provided.

(2) The finance commission shall be composed of three <sup>Three members.</sup> persons, all of whom shall in the first instance be appointed by the Lieutenant-Governor in Council to hold office during pleasure, one of them being an owner of real property in one of the amalgamated municipalities rated upon the last revised assessment roll for not less than \$2,000, and one of them being appointed to represent holders of debentures of the amalgamated municipalities.

Chairman. (3) The Lieutenant-Governor in Council shall designate which one of the members of the finance commission shall be the chairman.

Quorum (4) A quorum of the finance commission shall be two members thereof.

Mayor *ex officio* member of commission. (5) From and after the election of the first council of the new city the mayor for the time being of the new city shall, *ex officio*, be a member of the finance commission in the place and stead of the property owning member appointed in the first instance by the Lieutenant-Governor in Council.

Finance commission general powers and duties as under Part III of Department of Municipal Affairs Act. **6.**—(1) The finance commission with respect to the amalgamated municipalities and each of them, and to their local boards, and to the new city shall have and exercise the same rights, authorities, powers and duties as by the provisions of Part III of *The Department of Municipal Affairs Act, 1935*, are conferred upon the said department and the provisions of the said Part III shall apply to the said amalgamated municipalities and to the new city and to the said local boards, and the finance commission shall also have the rights, powers and duties conferred upon it by this Act.

Appointment of finance comptroller. (2) The finance commission shall appoint a finance comptroller who shall be the chief executive officer of the finance commission, and of the amalgamated municipalities and the new city. He shall hold office during the pleasure of the finance commission.

Duties of finance commission. **7.** The finance commission shall forthwith after taking office:

Assessment roll. (a) undertake or cause to be undertaken the preparation and making of the assessment rolls of the new city for the year 1936, so that the same is completed by the 1st day of August, 1935;

Voters' list. (b) cause to be undertaken the preparation of the voters' list for the new city for the purpose of the election of the first council and local boards;

Refunding scheme. (c) undertake the preparation and submission of a plan for funding and refunding the debts of the amalgamated municipalities, upon the general basis that the debt of each of the amalgamated municipalities shall be discharged by the imposition of rates upon the rateable property in that area of the new city which formerly comprised such municipality;

- (d) fix the polling subdivisions into which the new city <sup>Polling subdivisions</sup> is to be divided so that the same are determined in time for the election of the first council and local boards;
- (e) prepare the administration system for the new city <sup>Adminis-  
tration  
system.</sup> so that it shall be in effective operation on the 1st day of July, 1935, or so soon thereafter as may be;
- (f) prepare the estimates of revenues and expenditures <sup>Estimates  
for 1936.</sup> for 1936 for the new city and every local board thereof so that the same will be effective from the 1st day of January, 1936;
- (g) revise and consolidate the by-laws of the amalgamated <sup>By-law  
revision.</sup> municipalities for the purposes of the new city;
- (h) do or cause to be done all such other matters, acts, <sup>Other  
matters.</sup> deeds and things as may be necessary or incidental to the amalgamation provided for in this Act.

**8.** The new city shall be divided into five wards to be com- <sup>Wards.</sup> posed as determined by the finance commission and approved by the Municipal Board.

**9.—(1)** The council of the new city shall be composed of a <sup>Council.</sup> mayor to be elected by general vote, and of ten aldermen to be elected, two for each of the five wards of the new city.

(2) The mayor and aldermen shall each hold office for a <sup>Term of  
office.</sup> term of two years, provided that at the first election all the members of Council shall be elected to hold office only until the 1st day of January, 1937. At the annual election held for the year 1937 of the two aldermen elected for each ward the one elected by the highest number of votes shall hold office for two years and the other shall hold office for one year. Thereafter at each succeeding annual election the one alderman to be elected for each ward shall hold office for two years.

**10.—(1)** The Board of Education for the new city shall be <sup>Board of  
Education.</sup> composed of seven members, five of whom shall be elected, one for each of the wards of the new city, by the vote of the electors, who are public school supporters and two of whom shall be appointed by the separate school board for the new city.

(2) The elected members of the board shall hold office for <sup>Term of  
office.</sup> a term of two years and shall be elected biennially. The two members appointed by the separate school board shall be



appointed annually by the said board at its first meeting in every year, provided that the members first elected and appointed to the board shall hold office until the 1st day of January, 1937.

Separate  
school  
board.

**11.** The separate school board for the new city shall be composed of five members, one to be elected for each of the five wards, and to hold office for a term of two years, provided that the members first elected to the board shall hold office until the 1st day of January, 1937.

Windsor  
Utilities  
Commission  
to take the  
place of  
Essex  
Border  
Commission.

**12.—(1)** The Essex Border Utilities Commission shall be dissolved on the 1st day of July, 1935, or at such later date in 1935 as the Lieutenant-Governor in Council may by his Proclamation provide, and in the place and stead of the said commission there shall be established and substituted a commission to be known as "The Windsor Utilities Commission" which shall have and exercise all the powers, functions and duties of the Essex Border Utilities Commission under the special and general Acts relating to and governing or affecting the said commission.

Composition  
of com-  
mission.

**(2)** The Windsor Utilities Commission shall be composed of the mayor of the new city who shall hold office, *ex officio*, and four members to be appointed by the council of the new city who shall hold office for the term of four years, provided that the first appointed members shall hold office until the 1st day of January, 1937, and that of the four members first appointed by the council after the 1st day of January, 1937, two of them shall be designated to hold office for four years and two of them to hold office for two years. Thereafter two members shall be appointed biennially to hold office for four years.

Rights of  
other  
muni-  
cipalities  
provided  
for.

**(3)** To protect and serve the rights and interests of the municipalities of Riverside, LaSallè, Ojibway, Sandwich East and Sandwich West in the undertakings of the Essex Border Utilities Commission there shall be established by the Municipal Board such committee of the Windsor Utilities Commission as may appear necessary, and in relation to the said rights and interest the committee shall have and exercise such powers and duties as the Municipal Board may from time to time prescribe, and in case of any dispute between such committee and the Windsor Utilities Commission the matter shall be determined by the Municipal Board, the decision of which shall be final and conclusive and binding upon the new city, the said mentioned municipalities and the said commission and committee.

Composition  
of  
committee.

**(4)** The said Committee shall be composed of five members, three of whom shall be members of the said commission

appointed annually by it and the other two of whom shall be appointed annually by the councils jointly of the said municipalities at such time and in such manner as the Municipal Board may direct.

**13.** The council of the new city shall have the management and control of all parks and play grounds, and of all public libraries in the new city, in the place and stead of a board of park management and public library board. Parks and libraries to be under the council.

**14.** The board of education for the new city shall have vested in it the ownership, management, control and maintenance of the Windsor-Walkerville Vocational School in the place and stead of the Windsor-Walkerville Vocational School Board, which from the 1st day of January, 1936, shall be dissolved and cease to exist. Vocational school to be under board of education.

**15.—(1)** The Windsor Utilities Commission shall appoint a local board of health for the new city to be composed of five members, one to represent each of the five wards of the new city and to be a resident in the ward which he represents. Board of health.

**(2)** The local board of health shall have the management, control and maintenance of the Metropolitan Hospital and the Metropolitan Isolation Hospital. Metropolitan hospital and Metropolitan Isolation hospital.

**16.** The management, control and operation of the undertakings of the Essex Border Utilities Commission and of waterworks systems and hydro electric systems of the amalgamated municipalities and of the new city shall be vested in the Windsor Utilities Commission, and from the date of the establishment of such commission the waterworks commissions and hydro commissions of the amalgamated municipalities, including the Walkerville-East Windsor Water Commission, shall be dissolved and cease to exist. Water and hydro systems to be vested in utilities commission.

**17.—(1)** The finance commission shall as soon as may be after it takes office,— Adjustment of assets.

**(a)** determine and adjust all the assets of the amalgamated municipalities among them upon such basis that each of them shall be credited equitably in respect thereto when such assets become vested in the new city or in the local board thereof which shall exercise jurisdiction over the same; Amalgamated municipalities.

**(b)** in conjunction with the council of the County of Essex, determine and adjust assets and liabilities as between the said county and Sandwich in respect to the separation of Sandwich from the said county; County and Sandwich.



Other  
matters  
with the  
county.

(c) in conjunction with the council of the county of Essex, adjust and determine all matters between the said county and any of the amalgamated municipalities other than Sandwich, and between the said county and the new city;

Matters  
with other  
municipalities.

(d) in conjunction with the council of any other municipality affected, adjust any assets and liabilities which by reason of the creation of the new city it is requisite or desirable be adjusted.

Separation  
of Sandwich  
from the  
county.

**18.** From and after the 1st day of January, 1936, or such later date as may be proclaimed under this Act, Sandwich and the area and territory composing the same shall be separated from and shall no longer form part of the county of Essex for municipal purposes.

Disputes  
to be dealt  
with by  
Municipal  
Board.

**19.** Any dispute which may arise with respect to the adjustment of assets and liabilities or other matters referred to in section 17 shall be determined by the Municipal Board, and its decision shall be final and conclusive.

Vesting of  
assets in  
new city  
and its  
boards.

**20.** Upon and from the final incorporation of the new city all the assets of the amalgamated municipalities shall be vested in and become the property of the new city, and all the assets of the several public school boards and boards of education of the amalgamated municipalities and of the Windsor-Walkerville Vocational School Board shall be vested in and become the property of the board of education of the new city and all the assets of the several separate school boards of the amalgamated municipalities shall be vested in and become the property of the separate school board of the new city.

Vesting of  
assets in  
utilities  
commission.

**21.** The assets of the Essex Border Utilities Commission and of the several waterworks commissions and hydro commissions and of the Walkerville-East Windsor Water Commission shall on and from the date of final incorporation of the new city be vested in and become the property of the Windsor Utilities Commission for and on behalf of the new city.

First  
election  
in new city.

**22.—(1)** The first election of the council, board of education and separate school board of the new city shall be held on such day in 1935 as the Lieutenant-Governor in Council upon the recommendation of the finance commission may appoint.

Provision  
for election  
and  
nominations.

**(2)** For the purposes of such election the finance commission shall appoint the times and places at which the new election and the nomination meetings therefor shall be held and the returning officer, deputy returning officers and poll clerks who shall hold such elections.

**23.**—(1) The finance commission may appoint such officers, Staff of finance commission. clerks and servants as may be necessary for its purposes, and shall fix their salaries and that of the finance comptroller.

(2) The salaries or other remuneration of the members of Salaries of commission. the finance commission shall be fixed by the Lieutenant-Governor in Council.

(3) The salaries and expenses of the members of the finance Salaries and expenses,—how borne. commission and of the finance comptroller and of its staff shall for the year 1935 be paid by the amalgamated municipalities in such proportions, manner and at such times as the finance commission may determine.

**24.** The Municipal Board may for the purpose of effecting Miscellaneous matters. the amalgamation provided for by this Act and of fully effectuating and carrying into effect the provisions of this Act and the incorporation and functioning of the new city do and authorize to be done such things as may be necessary or incidental thereto, and for such purpose may make rules and regulations and issue orders and directions in respect to any matters not specifically provided for in this Act, and every such rule, regulation, order and direction shall be valid and binding upon the amalgamated municipalities and all persons affected thereby as if enacted by this Act.

**25.** Subject as provided in this Act, the provisions of the Application of general and special Acts. general statutes in respect to municipal institutions and affairs and to schools and school boards and to utility commissions, and of any special Acts respecting the amalgamated municipalities or any of them shall apply to the new city and the local boards thereof.

**26.** This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.





BILL

The City of Windsor (Amalgamation) Act,  
1935.

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*1st Reading*

April 11th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. CROLL

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No. 125

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Adoption Act.

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MR. BELANGER

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TORONTO  
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No. 125

1935

# BILL

## An Act to amend The Adoption Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Adoption Amendment Act, 1935*.

Rev. Stat.,  
c. 189, s. 5,  
amended.

**2.** Section 5 of *The Adoption Act* is amended by adding thereto the following subsection:

Rights of  
adopted  
child.

(2a) Where a person dies intestate, a child who is the subject of a written agreement entered into prior to the passing of *The Adoption Act, 1921*, between such person or the husband or wife of such person and the legal guardian of such child by which during the currency of the said agreement such person stands in *loco parentis* to such child, such child shall have the same rights to and interests in the property of such person as a child born in lawful wedlock to such person, notwithstanding that no adoption order respecting such child has been made, providing such child has resided with such person for a period of not less than five years and was so residing at the death of such person.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of July, 1934.

## EXPLANATORY NOTE

The purpose of the Bill is to provide for the case of a child who is the subject of *de facto* adoption dating back prior to the coming into force of *The Adoption Act, 1921*, where the foster parent dies intestate.

BILL

An Act to amend The Adoption Act

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*1st Reading*

April 11th, 1935

*2nd Reading*

*3rd Reading*

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MR. BELANGER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Unemployment Relief.

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MR. CROLL

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No. 126

1935

# BILL

## An Act respecting Unemployment Relief.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Unemployment Relief Act, 1935*.

General powers of Lieutenant-Governor in Council.

2.—(1) The Lieutenant-Governor in Council shall have and shall be deemed to have had full power and authority respecting unemployment relief measures of every nature and kind, and to do and perform and to require the doing and performance of any act, matter, deed or thing as may from time to time appear necessary to cope with unemployment relief conditions.

Specific powers.

(2) Without restricting the generality of the foregoing, the Lieutenant-Governor in Council shall have and shall be deemed to have had full power and authority for the said purposes to,—

- (a) enter into, carry out and perform agreements, undertakings and arrangements with the Government of Canada and with any municipality in Ontario;
- (b) authorize the Government of Ontario either alone or in conjunction with the Government of Canada or any municipality to undertake, carry out and complete such works or other measures, or provide and furnish direct relief for the relief of unemployed persons and their dependants;
- (c) provide and direct payment of the whole or any part of the cost of any relief works or measures and of direct relief undertaken, provided or furnished in Ontario by the Government of Ontario or the Government of Canada or by any municipality;
- (d) contribute to the Government of Canada or to any municipality such proportion of the cost of any relief

#### EXPLANATORY NOTES

General. *The Unemployment Relief Act* of 1933, while it usefully and sufficiently met the conditions prevailing at that time and for some time thereafter, is not adequate to meet conditions as they have prevailed during the past year or so and are likely to occur in the near future.

The system for administration and revision of unemployment relief goes through a regular process of evolution, and the statutory authority which must be possessed by the Provincial Government and by municipal bodies must be changed from time to time to meet the changing conditions as to unemployment.

For the above-mentioned reasons it is necessary that *The Unemployment Relief Act* be rewritten and more adequate provision made for coping with the situation as it develops from time to time.

Substantially the powers of the Lieutenant-Governor in Council as embodied in this Bill coincide with the methods which have been adopted during the past two years for dealing with relief, with such modifications thereof as are requisite to cover the present system of administration and also to provide for any changes therein which may be brought about by reason of new agreements being entered into with the Dominion Government.

Clause 2. This clause sets forth in greater detail than was provided in the Act of 1933 the powers which the Lieutenant-Governor in Council may exercise.

works or measures and of direct relief undertaken by them or any of them;

- (e) require any municipality to undertake relief works or measures and provide direct relief for the relief of unemployed persons and their dependants actually residing therein;
- (f) require any municipality to provide and pay to the Government of Ontario the whole or any portion of the cost of any relief works or measures and of direct relief undertaken, provided or furnished by the said Government for the relief of unemployed persons and their dependants actually residing in such municipality;
- (g) make regulations with respect to relief works or measures and direct relief and the administration of unemployment relief, and as to the undertaking, provision, furnishing and cost thereof and as to the persons to be entitled to unemployment relief, and as to the powers, responsibilities and duties of municipalities in relation to unemployment relief and the undertaking of relief works or measures and the providing and furnishing of direct relief, and as to the provision and payment by municipalities of the whole or any part of the cost of relief works or measures and direct relief; and in other respects as may appear necessary or expedient.

Validity  
of future  
agreements.

3.—(1) Every agreement, undertaking or arrangement entered into or made under the authority of this Act, or purporting so to be, between the Government of Ontario and the Government of Canada or any municipality shall be legal and valid for all purposes, and if entered into or made with a municipality shall be binding upon the corporation and the ratepayers thereof.

Validation  
of existing  
orders-in-  
council and  
regulations.

(2) All orders-in-council and regulations heretofore made or issued by the Lieutenant-Governor in Council under the authority of any Act respecting unemployment relief heretofore enacted by the Assembly, or purporting so to be made or issued are confirmed and declared to be and have been valid for all the purposes thereof, and in so far as the same have not been rescinded or superseded shall remain in full force and effect until the Lieutenant-Governor in Council shall otherwise determine.

Validation  
of previous  
payments.

(3) All payments heretofore directed to be made and all payments made out of the Consolidated Revenue Fund for

Clause 3. This clause is to validate the actions of the former and present Government in dealing with unemployment relief matters since the Act of 1933 was passed, and to validate payments which in some cases were not made within the literal interpretation of the Act of 1933.



the purposes of unemployment relief and allowed by the Provincial Auditor are hereby confirmed and validated.

Validation  
of orders-in-  
council  
authorizing  
loans.

(4) The orders-in-council referred to in schedule "A" hereto are hereby confirmed and validated and declared to be and to have been legal and valid for all the purposes thereof and all liabilities heretofore or hereafter incurred and all securities heretofore or hereafter issued and hypothecated or sold under the authority of the said orders-in-council or any of them are hereby declared to be and to have been legal and valid.

Validation  
of  
agreements.

(5) All agreements heretofore entered into between the Government of Ontario and the Government of Canada or any municipality in relation to unemployment relief are hereby confirmed and validated.

Payment of  
cost out of  
Consolidated  
Revenue  
Fund.

4.—(1) The Lieutenant-Governor in Council may set aside and pay or direct payment out of the Consolidated Revenue Fund the sums or any of them required for the purpose of carrying out the provisions of this Act or of any order-in-council, regulation, order, agreement, undertaking or arrangement confirmed and validated thereby or issued or made under the authority thereof.

Loans for  
relief  
purposes.

(2) The Lieutenant-Governor in Council may raise by way of loan in such manner and at such times as he may deem expedient such sums of money as are or may be required for any of the purposes mentioned in this Act.

When loans  
may be  
made.

(3) The authority conferred by subsection 2 may be exercised either before or after expenditures or liabilities have been incurred or made for any of the said purposes.

Declarations  
as to purpose  
of loans  
to be  
evidence.

(4) A recital or declaration in any order-in-council issued under subsection 2 that the amount of the loan therein authorized is or will be required for any of the purposes mentioned in this Act shall be conclusive evidence of the fact.

Municipal  
liability  
to provide  
relief.

5.—(1) Every municipality shall be liable to provide and shall provide for the relief of unemployed persons and their dependants actually residing in the municipality as may from time to time be required by any agreement, order-in-council or regulation made or issued under the provisions of this Act or confirmed and validated thereby.

Municipal  
liability  
for cost  
of relief.

(2) Where the Government of Ontario and the Government of Canada or either of them has heretofore undertaken relief works or measures or provided direct relief or hereafter undertakes or provides the same for the relief of unemployed persons and their dependants actually residing in any municipi-



Clause 4 deals more specifically with the power for raising money for unemployment relief purposes in order to overcome some technical objections which were made with respect to loans made under the previous Act.

Clause 5. The provisions of this clause are to more clearly indicate municipal responsibility with respect to unemployment relief until such time as they can be relieved from such responsibility under the terms of any new agreement which may be entered into with the Dominion Government.

pality, the corporation thereof shall pay or repay to the said Governments or Government, as the case may be, such proportion or the whole of the cost of such works or measures or direct relief as may be required by any agreement, order-in-council, or regulation made or issued under the provisions of this Act or confirmed and validated thereby.

Power to fix contributions of cost of unemployment relief.

(3) The Lieutenant-Governor in Council shall have and shall be deemed to have had authority to determine and fix the proportions or amounts which shall be contributed and made by the Government of Ontario and by any municipality to meet the cost of relief works or measures and direct relief undertaken or provided for the relief of unemployed persons and their dependants actually residing in such municipality.

Municipal powers in respect to relief.

6.—(1) For the purposes mentioned in this Act every municipality in addition to all power and authority now vested in it shall have and shall be deemed to have had for the purpose of taking advantage of and performing, observing and carrying out of the provisions of any Act of the Dominion of Canada or Province of Ontario, including this Act, or of any agreement, undertaking or arrangement entered into or made or any order-in-council, regulation, or order made or issued under the provisions of any of the said Acts, full power and authority in such behalf and for the undertaking of relief works or measures and providing direct relief.

Municipal taxation and payments.

(2) For the said purposes the council of a municipality shall have and shall be deemed to have had full power and authority to provide, impose, levy and collect taxes and to provide, appropriate, receive and pay out of any of the revenues and funds of the corporation such sums of money as may be required to meet and defray the cost of relief works or measures and direct relief or to pay any debentures and interest thereon heretofore or hereafter issued in respect thereto, or for contributing and paying to the Government of Canada and the Government of Ontario, or either of them, the whole or any portion of the cost of relief works or measures and direct relief undertaken or provided by such Governments or either of them and which cost or portion thereof the municipality is required to provide, pay or contribute to under the provisions of this Act or of any agreement, undertaking, arrangement, order-in-council, or regulation entered into, made or issued thereunder or confirmed and validated thereby.

Work beyond municipal limits.

(3) A relief work undertaken by a municipality may include or be a work undertaken beyond or extending beyond the limits of the municipality.

Municipal relief debentures.

7.—(1) Subject as hereinafter provided, the council of the corporation of a municipality which has heretofore under-

Clauses 6, 7 and 8 continue in substantially the same form the powers of the municipality with respect to providing necessary moneys for unemployment relief, and for issuing debentures therefor with the approval of the Municipal Board.

taken relief works or measures or provided direct relief or hereafter undertakes or provides the same or which hereafter contributes and pays the whole or any portion of the cost of any relief works or measures undertaken or direct relief provided by the Government of Canada and the Government of Ontario, or either of them, may issue debentures to defray the whole or any part of the cost of such work or measures or direct relief or of such contributions and payments.

Approval by  
Municipal  
Board.

(2) No by-law to provide for the issue of debentures for any of the purposes mentioned in subsection 1 shall be finally passed until the form of such by-law and the purpose, amount and term for which the debentures are to be issued have been approved by the Ontario Municipal Board.

Direct  
relief  
debentures  
limited to  
ten years.

(3) No debentures shall be issued under the authority of this section for defraying any part of the cost to the municipality of providing or contributing to and paying the cost of direct relief or any portion thereof for a term exceeding ten years.

Debentures  
for  
municipal  
share only.

(4) No debentures shall be issued under the authority of this section in respect of any part of the cost of a relief work or measure or of providing direct relief which is or to be defrayed or met ultimately by the Government of Canada and the Government of Ontario, or either of them or from receipt of voluntary contributions or any source other than taxation.

Local  
improve-  
ment  
works.

Rev. Stat.,  
c. 235.

(5) The provisions of this section shall be deemed to include a work which has been or is undertaken under *The Local Improvement Act*.

Validity of  
by-laws and  
debentures.

Rev. Stat.,  
c. 233.

(6) A by-law of a municipality to provide for the issue of debentures passed or purporting to have been passed under the authority of this section which has been approved by the Ontario Municipal Board, and the debentures issued or to be issued thereunder shall not for their validity require the assent of the electors of the municipality qualified to vote on money by-laws, or observance of any other formality prescribed by *The Municipal Act*, and every such by-law and every debenture issued thereunder shall be indefeasible and legal, valid and binding upon the corporation and the taxpayers thereof notwithstanding any invalidity or irregularity therein or affecting the same.

Amendment  
of by-laws.

(7) Any by-law passed with the approval of the said board may with the like approval be amended, and the provisions of this section shall apply to such amended by-law and to any debenture issued or to be issued thereunder.

Temporary  
municipal  
borrowings.

8.—(1) Pending payment to a municipality of that part of the cost of any relief work or measure or of direct relief which





is to be paid by the Government of Canada and Government of Ontario, or either of them, or from voluntary contributions, or any source other than municipal taxation, the council of the municipality may by by-law borrow from time to time a sum or sums not exceeding in the aggregate the amounts of such contributions; provided that such borrowings shall be repayable immediately upon payment to the municipality of such contributions.

General  
borrowing  
power  
not affected.

Rev. Stat.,  
c. 233.

(2) Any amount borrowed under the authority of this section to the extent the same is repayable from the contributions mentioned in subsection 1 shall not be taken into account in ascertaining whether the limit of the borrowing power of a municipality provided for in section 334 of *The Municipal Act* has been reached.

When  
section  
applicable.

(3) The provisions of this section shall only apply to a municipality which makes provision for borrowing under the authority thereof separately and apart from any borrowings it may make for any other purposes of the municipality.

Dwelling  
repairs.

**9.**—(1) Subject to the approval of the Lieutenant-Governor in Council, any municipality may as a relief work or measure undertake, directly or indirectly, the repair of dwelling houses and other tenements situated in the municipality and charge the whole or any portion of the cost of such repairs upon the lands upon which such dwelling houses or tenements are erected.

Levy of cost  
of repairs  
upon the  
land.

Rev. Stat.,  
c. 233.

(2) The cost or such portion thereof as is to be chargeable against the land upon which a dwelling house or tenement repaired under the authority of this section is erected shall form part of the taxes upon such land and be payable in one or more years as the council may determine, and the amount of such cost or the annual instalment thereof shall be entered in the proper collector's roll and be collected with and as part of the taxes levied upon the land, and the provisions of *The Assessment Act* with respect to taxes upon real property shall apply thereto.

Fixed  
assessments  
of factories  
not to  
apply to  
relief rates.

**10.**—(1) Notwithstanding the provisions of any general or special Act or of any by-law passed or agreement entered into by a municipality to grant exemption from taxation or to fix the assessment or taxation of the lands of any person carrying on or proposing to carry on within the municipality any manufacturing business, any municipal taxation levied by such municipality for unemployment relief purposes or to pay the sinking fund or principal of or interest upon any debentures issued by such municipality for such purposes shall be levied upon the full rateable value of such lands and upon the

Clause 9 is a new provision to enable municipalities to undertake as a relief measure the repair of dwelling houses with power to charge part of the cost against the lands by annual instalments to be collected as taxes.

Clause 10 is a new provision which will enable municipalities to levy unemployment relief rates against factories which enjoy the advantages of fixed assessments for purposes of general taxation. Unemployment relief rates are a special tax to which every person should contribute, and particularly industry which is enjoying the benefit of reduced taxation.

business assessment thereof as if such by-law had not been passed or agreement entered into.

Application  
of section.

(2) The provisions of this section shall apply with respect to any assessment to be taken or made or taxation to be levied and imposed after the time when this Act comes into force and shall not apply for the purposes of taxation in 1935 if the rates of taxation leviable under *The Municipal Act* for such year have been levied prior to such time.

Adminis-  
tration of  
Act by  
Minister  
of Welfare.  
Appoint-  
ment of  
relief  
commission.

**11.**—(1) The administration of this Act shall be vested in the Minister of Public Welfare for Ontario.

(2) The Lieutenant-Governor in Council may at any time appoint a Commission to administer this Act and unemployment relief in Ontario, which Commission shall be known as "The Ontario Relief Commission" and be composed of not more than five persons to be appointed by the Lieutenant-Governor in Council to hold office during his pleasure.

Powers and  
duties of  
commission.

(3) The said Commission when appointed shall exercise and perform such powers and duties in relation to unemployment relief as the Lieutenant-Governor in Council may from time to time determine.

Staff of  
commission.

(4) The said Commission when appointed shall have for its purposes such officers, clerks and servants in the public service of Ontario or of any department of its Government as the Lieutenant-Governor in Council may from time to time determine and assign.

Salaries of  
commission.

(5) The members of the said commission when appointed shall be paid such salaries or other remuneration and travelling and other disbursements and expenses as the Lieutenant-Governor in Council may authorize.

City of  
Fort  
William  
by-law  
confirmed.

**12.**—(1) By-law number 3397 passed by the council of the corporation of the city of Fort William on the 12th day of March, 1935, to amend by-law number 3348 passed by the said council on the 23rd day of January, 1934, as therein provided, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Fort  
William  
Sanatorium  
mortgage  
confirmed.

(2) The mortgage and charge bearing date the 26th day of March, 1935, made between Fort William Sanatorium, therein called "the Sanatorium," the mortgagor of the first part, and The Royal Trust Company, therein called "the Trustee," the mortgagee of the second part, and registered in the office of Land Titles at Fort William on the first day of April, 1935,

Clause 11 makes provision for the appointment of a relief commission for the Province to administer unemployment relief at any time the Lieutenant-Governor in Council sees fit so that there may be independent administration of the unemployment relief problem.

Clause 12 is to ratify certain by-laws and mortgages relating to the new Fort William Sanatorium, the cost of which has been subsidized by a substantial provincial grant and the work of construction of which was undertaken very largely as an unemployment relief matter with provincial and municipal contribution thereto.



as number 10306 is hereby confirmed and declared to be, and to have been since the date thereof, legal, valid and binding upon Fort William Sanatorium and the members thereof and the real and personal property therein described according to its terms.

Issue and  
guarantee  
of  
Sanatorium  
bonds  
confirmed.

(3) The corporation of the city of Fort William is authorized to guarantee the payment of the principal and interest of the bonds of Fort William Sanatorium referred to in the said mortgage and charge in the aggregate amount of \$125,000 and when the said bonds are duly executed by Fort William Sanatorium and payment of the principal and interest thereof is guaranteed by the corporation of the city of Fort William as provided in the said by-law number 3348 as amended by the said by-law number 3397 and the said bonds are certified by The Royal Trust Company, as Trustee, in accordance with the provisions of the said mortgage and charge, they will be valid obligations of Fort William Sanatorium and binding upon Fort William Sanatorium and the corporation of the city of Fort William as maker and guarantor thereof respectively, and the validity of the said bonds may not be contested or questioned in any court on any ground whatsoever.

Residence  
date.

**13.—**(1) For the purposes of this Act, the residence of any person or family shall be deemed to be the municipality or district where such person or family resided on September 1st, 1934, and in case a person or family has removed from the municipality in which such person or family was residing on September 1st, 1934, such municipality shall be liable for the direct relief of such person or family for twelve months after such removal, and after that period the municipality to which such person or family has removed shall be deemed to be the residence of such person or family and shall be liable for the direct relief of such person or family.

Recovery  
between  
municipalities.

(2) If a person or family removes from a municipality where such person or family has residence, to another municipality in Ontario, the municipality to which such person or family has removed may claim from the municipality from which such person or family removed any amounts expended by it for the relief of such person or family during the twelve months next following the date of such removal, less such sums on account thereof which it may have received or be entitled to receive from any source other than its own taxation and the same may be recovered as a debt in any court of competent jurisdiction.

Future  
expenditures.

(3) The date and period mentioned in subsection 1 shall as to future expenditures be extended or reduced accordingly as



Clause 13 continues the provisions of the present Act as to the right of a municipality to recover relief expenditures from another municipality in case of removals.

the same may be extended or reduced by any order-in-council hereafter issued under this Act for such purpose.

Recovery  
by Province  
from  
muni-  
cipalities of  
moneys  
payable.

**14.** Any moneys expended by the Government of Ontario which under the provisions of this Act or of any agreement, undertaking or arrangement, order-in-council or regulations entered into or made hereunder or confirmed and validated thereby which by the terms thereof are or should be payable or repayable to the said Government by a municipality shall be recoverable from such municipality as a debt due to the Crown in right of Ontario and may be sued for in any court of competent jurisdiction or may be deducted out of any moneys then or thereafter payable by the Province to such municipality under the authority of any Act.

Repeal of  
1933, c. 65,  
and  
1934, c. 61.

**15.** *The Unemployment Relief Act, 1933, and The Unemployment Relief Act, 1934,* are repealed.

Commence-  
ment of  
Act.

**16.** This Act shall come into force on the day upon which it receives the Royal Assent.

Clause 14 is a repetition of the same clause in the present Act.

## SCHEDULE "A"

Order-in-Council dated October 25th, 1934.....	\$10,000,000.
Order-in-Council dated November 29th, 1934.....	7,000,000.
Order-in-Council dated November 29th, 1934.....	5,000,000.
Order-in-Council dated June 18th, 1934.....	5,000,000.
Order-in-Council dated August 23rd, 1934.....	5,000,000.
Order-in-Council dated May 22nd, 1934 (fully registered debenture).....	4,500,000.









BILL

An Act respecting Unemployment Relief.

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*1st Reading*

April 11th, 1935

*2nd Reading*

*3rd Reading*

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Unemployment Relief.

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MR. CROLL

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# BILL

## An Act respecting Unemployment Relief.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Unemployment Relief Act, 1935*.

General powers of Lieutenant-Governor in Council.

**2.**—(1) The Lieutenant-Governor in Council shall have and shall be deemed to have had full power and authority respecting unemployment relief measures of every nature and kind, and to do and perform and to require the doing and performance of any act, matter, deed or thing as may from time to time appear necessary to cope with unemployment relief conditions.

Specific powers.

(2) Without restricting the generality of the foregoing, the Lieutenant-Governor in Council shall have and shall be deemed to have had full power and authority for the said purposes to,—

- (a) enter into, carry out and perform agreements, undertakings and arrangements with the Government of Canada and with any municipality in Ontario;
- (b) authorize the Government of Ontario either alone or in conjunction with the Government of Canada or any municipality to undertake, carry out and complete such works or other measures, or provide and furnish direct relief for the relief of unemployed persons and their dependants;
- (c) provide and direct payment of the whole or any part of the cost of any relief works or measures and of direct relief undertaken, provided or furnished in Ontario by the Government of Ontario or the Government of Canada or by any municipality;
- (d) contribute to the Government of Canada or to any municipality such proportion of the cost of any relief



works or measures and of direct relief undertaken by them or any of them;

- (e) require any municipality to undertake relief works or measures and provide direct relief for the relief of unemployed persons and their dependants actually residing therein;
- (f) require any municipality to provide and pay to the Government of Ontario the whole or any portion of the cost of any relief works or measures and of direct relief undertaken, provided or furnished by the said Government for the relief of unemployed persons and their dependants actually residing in such municipality;
- (g) make regulations with respect to relief works or measures and direct relief and the administration of unemployment relief, and as to the undertaking, provision, furnishing and cost thereof and as to the persons to be entitled to unemployment relief, and as to the powers, responsibilities and duties of municipalities in relation to unemployment relief and the undertaking of relief works or measures and the providing and furnishing of direct relief, and as to the provision and payment by municipalities of the whole or any part of the cost of relief works or measures and direct relief; and in other respects as may appear necessary or expedient.

3.—(1) Every agreement, undertaking or arrangement entered into or made under the authority of this Act, or purporting so to be, between the Government of Ontario and the Government of Canada or any municipality shall be legal and valid for all purposes, and if entered into or made with a municipality shall be binding upon the corporation and the ratepayers thereof. Validity of future agreements.

(2) All orders-in-council and regulations heretofore made or issued by the Lieutenant-Governor in Council under the authority of any Act respecting unemployment relief heretofore enacted by the Assembly, or purporting so to be made or issued are confirmed and declared to be and have been valid for all the purposes thereof, and in so far as the same have not been rescinded or superseded shall remain in full force and effect until the Lieutenant-Governor in Council shall otherwise determine. Validation of existing orders-in-council and regulations.

(3) All payments heretofore directed to be made and all payments made out of the Consolidated Revenue Fund for Validation of previous payments.

the purposes of unemployment relief and allowed by the Provincial Auditor are hereby confirmed and validated.

Validation  
of orders-in-  
council  
authorizing  
loans.

(4) The orders-in-council referred to in schedule "A" hereto are hereby confirmed and validated and declared to be and to have been legal and valid for all the purposes thereof and all liabilities heretofore or hereafter incurred and all securities heretofore or hereafter issued and hypothecated or sold under the authority of the said orders-in-council or any of them are hereby declared to be and to have been legal and valid.

Validation  
of  
agreements.

(5) All agreements heretofore entered into between the Government of Ontario and the Government of Canada or any municipality in relation to unemployment relief are hereby confirmed and validated.

Payment of  
cost out of  
Consolidated  
Revenue  
Fund.

4.—(1) The Lieutenant-Governor in Council may set aside and pay or direct payment out of the Consolidated Revenue Fund the sums or any of them required for the purpose of carrying out the provisions of this Act or of any order-in-council, regulation, order, agreement, undertaking or arrangement confirmed and validated thereby or issued or made under the authority thereof.

Loans for  
relief  
purposes.

(2) The Lieutenant-Governor in Council may raise by way of loan in such manner and at such times as he may deem expedient such sums of money as are or may be required for any of the purposes mentioned in this Act.

When loans  
may be  
made.

(3) The authority conferred by subsection 2 may be exercised either before or after expenditures or liabilities have been incurred or made for any of the said purposes.

Declarations  
as to purpose  
of loans  
to be  
evidence.

(4) A recital or declaration in any order-in-council issued under subsection 2 that the amount of the loan therein authorized is or will be required for any of the purposes mentioned in this Act shall be conclusive evidence of the fact.

Municipal  
liability  
to provide  
relief.

5.—(1) Every municipality shall be liable to provide and shall provide for the relief of unemployed persons and their dependants actually residing in the municipality as may from time to time be required by any agreement, order-in-council or regulation made or issued under the provisions of this Act or confirmed and validated thereby.

Municipal  
liability  
for cost  
of relief.

(2) Where the Government of Ontario and the Government of Canada or either of them has heretofore undertaken relief works or measures or provided direct relief or hereafter undertakes or provides the same for the relief of unemployed persons and their dependants actually residing in any municipi-

pality, the corporation thereof shall pay or repay to the said Governments or Government, as the case may be, such proportion or the whole of the cost of such works or measures or direct relief as may be required by any agreement, order-in-council, or regulation made or issued under the provisions of this Act or confirmed and validated thereby.

(3) The Lieutenant-Governor in Council shall have and shall be deemed to have had authority to determine and fix the proportions or amounts which shall be contributed and made by the Government of Ontario and by any municipality to meet the cost of relief works or measures and direct relief undertaken or provided for the relief of unemployed persons and their dependants actually residing in such municipality.

Power to fix contributions to cost of unemployment relief.

6.—(1) For the purposes mentioned in this Act every municipality in addition to all power and authority now vested in it shall have and shall be deemed to have had for the purpose of taking advantage of and performing, observing and carrying out of the provisions of any Act of the Dominion of Canada or Province of Ontario, including this Act, or of any agreement, undertaking or arrangement entered into or made or any order-in-council, regulation, or order made or issued under the provisions of any of the said Acts, full power and authority in such behalf and for the undertaking of relief works or measures and providing direct relief.

Municipal powers in respect to relief.

(2) For the said purposes the council of a municipality shall have and shall be deemed to have had full power and authority to provide, impose, levy and collect taxes and to provide, appropriate, receive and pay out of any of the revenues and funds of the corporation such sums of money as may be required to meet and defray the cost of relief works or measures and direct relief or to pay any debentures and interest thereon heretofore or hereafter issued in respect thereto, or for contributing and paying to the Government of Canada and the Government of Ontario, or either of them, the whole or any portion of the cost of relief works or measures and direct relief undertaken or provided by such Governments or either of them and which cost or portion thereof the municipality is required to provide, pay or contribute to under the provisions of this Act or of any agreement, undertaking, arrangement, order-in-council, or regulation entered into, made or issued thereunder or confirmed and validated thereby.

Municipal taxation and payments.

(3) A relief work undertaken by a municipality may include or be a work undertaken beyond or extending beyond the limits of the municipality.

Work beyond municipal limits.

7.—(1) Subject as hereinafter provided, the council of the corporation of a municipality which has heretofore under-

Municipal relief debentures.



taken relief works or measures or provided direct relief or hereafter undertakes or provides the same or which hereafter contributes and pays the whole or any portion of the cost of any relief works or measures undertaken or direct relief provided by the Government of Canada and the Government of Ontario, or either of them, may issue debentures to defray the whole or any part of the cost of such work or measures or direct relief or of such contributions and payments.

Approval by  
Municipal  
Board.

(2) No by-law to provide for the issue of debentures for any of the purposes mentioned in subsection 1 shall be finally passed until the form of such by-law and the purpose, amount and term for which the debentures are to be issued have been approved by the Ontario Municipal Board.

Direct  
relief  
debentures  
limited to  
ten years.

(3) No debentures shall be issued under the authority of this section for defraying any part of the cost to the municipality of providing or contributing to and paying the cost of direct relief or any portion thereof for a term exceeding ten years.

Debentures  
for  
municipal  
share only.

(4) No debentures shall be issued under the authority of this section in respect of any part of the cost of a relief work or measure or of providing direct relief which is or is to be defrayed or met ultimately by the Government of Canada and the Government of Ontario, or either of them or from receipt of voluntary contributions or any source other than taxation.

Local  
improve-  
ment  
works.  
Rev. Stat.,  
c. 235.

(5) The provisions of this section shall be deemed to include a work which has been or is undertaken under *The Local Improvement Act*.

Validity of  
by-laws and  
debentures.

(6) A by-law of a municipality to provide for the issue of debentures passed or purporting to have been passed under the authority of this section which has been approved by the Ontario Municipal Board, and the debentures issued or to be issued thereunder shall not for their validity require the assent of the electors of the municipality qualified to vote on money by-laws, or observance of any other formality prescribed by *The Municipal Act*, and every such by-law and every debenture issued thereunder shall be indefeasible and legal, valid and binding upon the corporation and the taxpayers thereof notwithstanding any invalidity or irregularity therein or affecting the same.

Rev. Stat.,  
c. 233.

Amendment  
of by-laws.

(7) Any by-law passed with the approval of the said board may with the like approval be amended, and the provisions of this section shall apply to such amended by-law and to any debenture issued or to be issued thereunder.

Temporary  
municipal  
borrowings.

8.—(1) Pending payment to a municipality of that part of the cost of any relief work or measure or of direct relief which

is to be paid by the Government of Canada and the Government of Ontario, or either of them, or from voluntary contributions, or any source other than municipal taxation, the council of the municipality may by by-law borrow from time to time a sum or sums not exceeding in the aggregate the amounts of such contributions; provided that such borrowings shall be repayable immediately upon payment to the municipality of such contributions.

(2) Any amount borrowed under the authority of this section to the extent the same is repayable from the contributions mentioned in subsection 1 shall not be taken into account in ascertaining whether the limit of the borrowing power of a municipality provided for in section 334 of *The Municipal Act* has been reached. General borrowing power not affected. Rev. Stat., c. 233.

(3) The provisions of this section shall only apply to a municipality which makes provision for borrowing under the authority thereof separately and apart from any borrowings it may make for any other purposes of the municipality. When section applicable.

**9.**—(1) Subject to the approval of the Lieutenant-Governor in Council, any municipality may as a relief work or measure undertake, directly or indirectly, the repair of dwelling houses and other tenements situated in the municipality and charge the whole or any portion of the cost of such repairs upon the lands upon which such dwelling houses or tenements are erected. Dwelling repairs.

(2) The cost or such portion thereof as is to be chargeable against the land upon which a dwelling house or tenement repaired under the authority of this section is erected shall form part of the taxes upon such land and be payable in one or more years as the council may determine, and the amount of such cost or the annual instalment thereof shall be entered in the proper collector's roll and be collected with and as part of the taxes levied upon the land, and the provisions of *The Assessment Act* with respect to taxes upon real property shall apply thereto. Levy of cost of repairs upon the land. Rev. Stat., c. 238.

(3) Subject to the approval of the Lieutenant-Governor in Council, any municipality may as a relief work or measure undertake or participate in any scheme for abolition of slum areas or for housing in the municipality which may be inaugurated or aided by the Government of Canada or the Government of Ontario or by the municipality itself, and the provisions of this Act shall apply to expenditures of the municipality for such purpose. Municipal housing and abolition of slum areas.

**10.**—(1) Notwithstanding the provisions of any general or special Act or of any by-law passed or agreement entered into Fixed assessments of factories not to apply to relief rates.



by a municipality to grant exemption from taxation or to fix the assessment or taxation of the lands of any person carrying on or proposing to carry on within the municipality any manufacturing business, any municipal taxation levied by such municipality for unemployment relief purposes or to pay the sinking fund or principal of or interest upon any debentures issued by such municipality for such purposes shall be levied upon the full rateable value of such lands and upon the business assessment thereof as if such by-law had not been passed or agreement entered into.

Application  
of section.

(2) The provisions of this section shall apply with respect to any assessment to be taken or made or taxation to be levied and imposed after the time when this Act comes into force and shall not apply for the purposes of taxation in 1935 if the rates of taxation leviable under *The Municipal Act* for such year have been levied prior to such time.

Adminis-  
tration of  
Act by  
Minister  
of Welfare.

**11.—**(1) The administration of this Act shall be vested in the Minister of Public Welfare for Ontario.

Appoint-  
ment of  
relief  
commission.

(2) The Lieutenant-Governor in Council may at any time appoint a Commission to administer this Act and unemployment relief in Ontario, which Commission shall be known as "The Ontario Relief Commission" and be composed of not more than five persons to be appointed by the Lieutenant-Governor in Council to hold office during his pleasure.

Powers and  
duties of  
commission.

(3) The said Commission when appointed shall exercise and perform such powers and duties in relation to unemployment relief as the Lieutenant-Governor in Council may from time to time determine.

Staff of  
commission.

(4) The said Commission when appointed shall have for its purposes such officers, clerks and servants in the public service of Ontario or of any department of its Government as the Lieutenant-Governor in Council may from time to time determine and assign.

Salaries of  
commission.

(5) The members of the said commission when appointed shall be paid such salaries or other remuneration and travelling and other disbursements and expenses as the Lieutenant-Governor in Council may authorize.

City of  
Fort  
William  
by-law  
confirmed.

**12.—**(1) By-law number 3397 passed by the council of the corporation of the city of Fort William on the 12th day of March, 1935, to amend by-law number 3348 passed by the said council on the 23rd day of January, 1934, as therein provided, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

(2) The mortgage and charge bearing date the 26th day of March, 1935, made between Fort William Sanatorium, therein called "the Sanatorium," the mortgagor of the first part, and The Royal Trust Company, therein called "the Trustee," the mortgagee of the second part, and registered in the office of Land Titles at Fort William on the 1st day of April, 1935, as number 10306 is hereby confirmed and declared to be, and to have been since the date thereof, legal, valid and binding upon Fort William Sanatorium and the members thereof and the real and personal property therein described according to its terms.

Fort  
William  
Sanatorium  
mortgage  
confirmed.

(3) The corporation of the city of Fort William is authorized to guarantee the payment of the principal and interest of the bonds of Fort William Sanatorium referred to in the said mortgage and charge in the aggregate amount of \$125,000 and when the said bonds are duly executed by Fort William Sanatorium and payment of the principal and interest thereof is guaranteed by the corporation of the city of Fort William as provided in the said by-law number 3348 as amended by the said by-law number 3397 and the said bonds are certified by The Royal Trust Company, as Trustee, in accordance with the provisions of the said mortgage and charge, they will be valid obligations of Fort William Sanatorium and binding upon Fort William Sanatorium and the corporation of the city of Fort William as maker and guarantor thereof respectively, and the validity of the said bonds may not be contested or questioned in any court on any ground whatsoever.

Issue and  
guarantee  
of  
Sanatorium  
bonds  
confirmed.

**13.—**(1) For the purposes of this Act, the residence of any person or family shall be deemed to be the municipality or district where such person or family resided on September 1st, 1934, and in case a person or family has removed from the municipality in which such person or family was residing on September 1st, 1934, such municipality shall be liable for the direct relief of such person or family for twelve months after such removal, and after that period the municipality to which such person or family has removed shall be deemed to be the residence of such person or family and shall be liable for the direct relief of such person or family.

Residence  
date.

(2) If a person or family removes from a municipality, where such person or family has residence, to another municipality in Ontario, the municipality to which such person or family has removed may claim from the municipality from which such person or family removed any amounts expended by it for the relief of such person or family during the twelve months next following the date of such removal, less such sums on account thereof which it may have received or be entitled to receive from any source other than its own taxation and the same may be recovered as a debt in any court of competent jurisdiction.

Recovery  
between  
municipalities.

Future  
expenditures.

(3) The date and period mentioned in subsection 1 shall as to future expenditures be extended or reduced accordingly as the same may be extended or reduced by any order-in-council hereafter issued under this Act for such purpose.

Recovery  
by Province  
from  
municipalities of  
moneys  
payable.

**14.** Any moneys expended by the Government of Ontario which under the provisions of this Act or of any agreement, undertaking or arrangement, order-in-council or regulations entered into or made hereunder or confirmed and validated thereby which by the terms thereof are or should be payable or repayable to the said Government by a municipality shall be recoverable from such municipality as a debt due to the Crown in right of Ontario and may be sued for in any court of competent jurisdiction or may be deducted out of any moneys then or thereafter payable by the Province to such municipality under the authority of any Act.

Repeal of  
1933, c. 65,  
and  
1934, c. 61.

**15.** *The Unemployment Relief Act, 1933, and The Unemployment Relief Act, 1934,* are repealed.

Commence-  
ment of  
Act.

**16.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A"

Order-in-Council dated October 25th, 1934.....	\$10,000,000.
Order-in-Council dated November 29th, 1934.....	7,000,000.
Order-in-Council dated November 29th, 1934.....	5,000,000.
Order-in-Council dated June 18th, 1934.....	5,000,000.
Order-in-Council dated August 23rd, 1934.....	5,000,000.
Order-in-Council dated May 22nd, 1934 (fully registered debenture).....	4,500,000.

BILL

An Act respecting Unemployment Relief.

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*1st Reading*

April 11th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. CROLL

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Local Improvement Amendment Act, 1935.

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MR. SINCLAIR (Ontario)

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# BILL

## The Local Improvement Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Local Improvement Amendment Act, 1935*.

Rev. Stat.,  
c. 235, s. 2,  
subs. 1, cl. *p*,  
amended.      **2.**—(1) Clause *p* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out the words “although the lifetime of the existing pavement has not expired” in the fourth and fifth lines and inserting in lieu thereof the words “whether or not the lifetime of the pavement has expired,” so that the said clause shall now read as follows:

(*p*) Subject to the provisions of section 25 for resurfacing with asphalt or other suitable material, a pavement having a foundation which in the opinion of the engineer is sufficient therefor whether or not the lifetime of the pavement has expired. When any work undertaken under this clause is such as might entitle it to a provincial grant, the approval of the Department of Public Highways shall be first had and obtained with respect to the suitability of the foundation.

Rev. Stat.,  
c. 235, s. 2,  
subs. 1,  
amended.      (2) Subsection 1 of the said section 2 of *The Local Improvement Act* is amended by adding thereto the following clause:

Cities of  
over  
300,000  
widening  
pavement  
without  
petition.      (*r*) Subject to the provisions of section 25*a*, in a city having a population of over 300,000, widening a pavement on a street without a petition.

Rev. Stat.,  
c. 235,  
amended.      **3.** *The Local Improvement Act* is amended by adding thereto the following section:

Cities  
of over  
300,000  
widening  
pavement,  
corporation's  
portion to  
include  
cost of  
extra  
width.      **25*a*.**—(1) Where in a city of over 300,000 population, the work to be undertaken is the widening of a pavement on a street without a petition, the by-law for undertaking the work shall provide that in addition to the



corporation's portion of the cost including the portions otherwise provided for in this Act there shall also be included in such portion so much of the cost of the work as is incurred in the construction or reconstruction of the pavement to a width greater than the width of the pavement then existing on the street.

Approval of  
Municipal  
Board  
requisite.

- (2) The work shall not be undertaken until the approval of the Ontario Municipal Board to the passing of the by-law therefor has been obtained, and the provisions of section 8 shall, *mutatis mutandis*, apply thereto.

Commence-  
ment of  
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.









The Local Improvement Amendment  
Act, 1935.

---

*1st Reading*

April 12th, 1934

*2nd Reading*

*3rd Reading*

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MR. SINCLAIR (Ontario)

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Local Improvement Amendment Act, 1935.

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MR. SINCLAIR (Ontario)

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BILL

The Local Improvement Amendment  
Act, 1935.

*1st Reading*

April 12th, 1934

*2nd Reading*

*3rd Reading*

MR. SINCLAIR (Ontario)



1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

**The Local Improvement Amendment Act, 1935.**

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MR. SINCLAIR (Ontario)

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No. 127

1935

# BILL

## The Local Improvement Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Local Improvement Amendment Act, 1935*.

Rev. Stat.,  
c. 235, s. 2,  
subs. 1, cl. *p*,  
amended.      **2.**—(1) Clause *p* of subsection 1 of section 2 of *The Local Improvement Act* is amended by striking out the words “although the lifetime of the existing pavement has not expired” in the fourth and fifth lines and inserting in lieu thereof the words “whether or not the lifetime of the pavement has expired,” so that the said clause shall now read as follows:

(*p*) Subject to the provisions of section 25 for resurfacing with asphalt or other suitable material, a pavement having a foundation which in the opinion of the engineer is sufficient therefor whether or not the lifetime of the pavement has expired. When any work undertaken under this clause is such as might entitle it to a provincial grant, the approval of the Department of Public Highways shall be first had and obtained with respect to the suitability of the foundation.

Rev. Stat.,  
c. 235, s. 2,  
subs. 1,  
amended.      (2) Subsection 1 of the said section 2 of *The Local Improvement Act* is amended by adding thereto the following clause:

Cities of  
over  
300,000  
widening  
pavement  
without  
petition.      (*r*) Subject to the provisions of section 25*a*, in a city having a population of over 300,000, widening a pavement on a street without a petition.

Rev. Stat.,  
c. 235,  
amended.      **3.** *The Local Improvement Act* is amended by adding thereto the following section:

Cities  
of over  
300,000  
widening  
pavement,  
corporation's  
portion to  
include  
cost of  
extra  
width.      **25*a*.**—(1) Where in a city of over 300,000 population, the work to be undertaken is the widening of a pavement on a street without a petition, the by-law for undertaking the work shall provide that in addition to the

corporation's portion of the cost including the portions otherwise provided for in this Act there shall also be included in such portion so much of the cost of the work as is incurred in the construction or reconstruction of the pavement to a width greater than the width of the pavement then existing on the street.

- (2) The work shall not be undertaken until the approval of the Ontario Municipal Board to the passing of the by-law therefor has been obtained, and the provisions of section 8 shall, *mutatis mutandis*, apply thereto.

Approval of  
Municipal  
Board  
requisite.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

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BILL  
The Local Improvement Amendment  
Act, 1935.

---

*1st Reading*

April 12th, 1934

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. SINCLAIR (Ontario)

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No. 128

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Loan and Trust Corporations Act.

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MR. LEDUC

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# BILL

## An Act to amend The Loan and Trust Corporations Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1935*.

Rev. Stat.,  
c. 223, s. 18a,  
subs. 3  
(1930,  
c. 42, s. 5),  
amended.

2. Subsection 3 of section 18a of *The Loan and Trust Corporations Act*, as enacted by section 5 of *The Loan and Trust Corporations Act, 1930*, is amended by inserting after the word "thereon" in the fifteenth line, the following words "and the bonds or debentures issued by an incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such bonds or debentures," so that the said subsection shall now read as follows:

Quarterly  
returns  
by trust  
companies  
as to  
deposits  
and liquid  
securities  
available.

(3) Every trust company receiving deposits in the manner authorized by subsection 3 of section 18 shall make a sworn return to the Registrar quarterly, on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such deposits and showing the amount of cash on hand and on deposit, and the amount of debentures, bonds, stock or other securities of, or guaranteed by the Dominion of Canada, and of, or guaranteed by, any province of Canada, less any incumbrances thereon, and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon, and the bonds or debentures issued by any incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal

#### EXPLANATORY NOTES

SECTION 2. Bonds subsidized by the Dominion Government as described in section 2 are permissible investments for trustees under *The Trustee Act*. See 1934, c. 60, s. 3. The purpose of the amendment is to qualify them as "liquid securities," i.e., government bonds, etc., and cash for the purpose of the quarterly returns filed by trust companies showing deposits and liquid securities available against them.

and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities hereinbefore in this subsection mentioned, as the said amounts stood at the end of the last preceding month, and including in such statement all such cash and securities and loans as defined in this subsection, whether owned by the company or held by it as guaranteed investments under the provisions of subsection 2 of section 17, or subsection 4 of section 18, and stating that the same were at the date mentioned in such return on hand and available for depositors.

Rev. Stat.,  
c. 223, s. 45  
(1929,  
c. 54, s. 8),  
amended.

**3.** Section 45 of *The Loan and Trust Corporations Act* as amended by section 8 of *The Loan and Trust Corporations Act, 1929*, is further amended by inserting after the word "thereon" in the twelfth line the words "and the bonds or debentures issued by any incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such bonds or debentures," so that the said section shall now read as follows:

Quarterly  
returns  
by loan  
company  
as to  
deposits.

45. Every loan company receiving deposits shall make a sworn return to the Registrar quarterly on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such deposits and showing the amount of cash on hand and on deposit and the amount of debentures, bonds, stock or other securities of or guaranteed by the Dominion of Canada, and of or guaranteed by any province of Canada less any incumbrances thereon and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such

SECTION 3. This section proposes the same amendment with reference to loan companies that is proposed by section 2 of the Bill with reference to trust companies. See note to section 2.



bonds or debentures and the principal amount of any money's payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities hereinbefore in this section mentioned as the said amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return on hand and available for depositors.

Rev. Stat.,  
c. 223, s. 65,  
subs. 2,  
amended.

4. Subsection 2 of section 65 of *The Loan and Trust Corporations Act* is amended by inserting after the word "companies" in the third line the words "and to the sale of the assets of a loan corporation to a trust company" and by adding at the end thereof the words "provided that in the case of the sale of the assets of a loan corporation to a trust company, the purchasing trust company shall definitely set aside, in respect of any debentures and deposits of the vendor loan company of which the purchaser assumes payment; securities, including loans upon securities or cash, equal to the aggregate amount of such debentures and deposits in accordance with the provisions of subsection 2 of section 17 and subsection 4 of section 18 of this Act" so that the said subsection shall now read as follows:

Application  
of sections  
55 to 64  
to trust  
companies,  
etc.

(2) Sections 55 to 64 shall apply to the purchase and sale of the assets of a trust company by and to another and to the amalgamation of trust companies and to the sale of the assets of a loan corporation to a trust company, such corporations being incorporated under the law of Ontario or having their head offices in Ontario, and registered under this Act; provided that, in the case of the sale of the assets of a loan corporation to a trust company, the purchasing trust company shall definitely set aside in respect of any debentures and deposits of the vendor loan company of which the purchaser assumes payment, securities, including loans upon securities or cash, equal to the aggregate amount of such debentures and deposits in accordance with the provisions of subsection 2 of section 17 and subsection 4 of section 18 of this Act.

Rev. Stat.,  
c. 223, s. 136,  
amended.

5. Section 136 of *The Loan and Trust Corporations Act* is amended by inserting the words "or 'Limited' or 'Incorporated' or any abbreviations thereof" after the word "Society" in the eighth line, so that the said section shall now read as follows:

Penalty  
for using  
words in  
name of  
company  
while un-  
registered.

136. Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, assuming or using in Ontario a name which includes any of the words "Loan," "Mort-



SECTION 4. Sections 55 to 64 of the Act provide for the amalgamation of loan corporations and the purchase and sale of the assets of loan corporations. Section 65 (2) provides that the said sections shall also apply to the amalgamation of trust companies and to the purchase and sale of the assets of trust companies. The purpose of the amendment is to provide that, in addition, the said section shall apply to the sale of the assets of a loan company to a trust company subject to the proviso included in the amendment.

SECTION 5. The purpose of section 136 is to prohibit any company in Ontario other than a loan or trust corporation duly registered under the Act, using any name likely to deceive or mislead the public into assuming it is so registered. Within the past year a company was incorporated under *The Companies Act* under the name of . . . . . Trusts, Limited, and petitions for similar names are filed from time to time. The purpose of the amendment is to widen the application of section 136 to fill up the alleged "loop-hole."

gage," "Trust," "Trusts," "Investment," or "Guarantee" in combination or connection with any of the words "Corporation," "Company," "Association" or "Society" or "Limited" or "Incorporated" or any abbreviations thereof, or in combination or connection with any similar collective term or, assuming or using in Ontario any similar name, or any name or combination of names which is likely to deceive or mislead the public shall be guilty of an offence; and any person acting on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence; but where any of such combinations of words formed part of the corporate name of any combination theretofore duly incorporated by or under the authority of an Act of Ontario or of the Parliament of Canada the combination may continue to be used in Ontario as part of the corporate name.

Commence-  
ment of  
Act.

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

An Act to amend The Loan and Trust  
Corporations Act.

---

*1st Reading*

April 12th, 1935

*2nd Reading*

*3rd Reading*

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MR. LEDUC

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Loan and Trust Corporations Act.

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MR. LEDUC

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# BILL

## An Act to amend The Loan and Trust Corporations Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1935*.

Rev. Stat.,  
c. 223, s. 18a,  
subs. 3  
(1930,  
c. 42, s. 5),  
amended.

2. Subsection 3 of section 18a of *The Loan and Trust Corporations Act*, as enacted by section 5 of *The Loan and Trust Corporations Act, 1930*, is amended by inserting after the word "thereon" in the fifteenth line, the following words "and the bonds or debentures issued by any incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such bonds or debentures," so that the said subsection shall now read as follows:

Quarterly  
returns  
by trust  
companies  
as to  
deposits  
and liquid  
securities  
available.

(3) Every trust company receiving deposits in the manner authorized by subsection 3 of section 18 shall make a sworn return to the Registrar quarterly, on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such deposits and showing the amount of cash on hand and on deposit, and the amount of debentures, bonds, stock or other securities of, or guaranteed by the Dominion of Canada, and of, or guaranteed by, any province of Canada, less any incumbrances thereon, and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon, and the bonds or debentures issued by any incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal

and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities hereinbefore in this subsection mentioned, as the said amounts stood at the end of the last preceding month, and including in such statement all such cash and securities and loans as defined in this subsection, whether owned by the company or held by it as guaranteed investments under the provisions of subsection 2 of section 17, or subsection 4 of section 18, and stating that the same were at the date mentioned in such return on hand and available for depositors.

3. Section 45 of *The Loan and Trust Corporations Act* as amended by section 8 of *The Loan and Trust Corporations Act, 1929*, is further amended by inserting after the word "thereon" in the twelfth line the words "and the bonds or debentures issued by any incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such bonds or debentures," so that the said section shall now read as follows:

Rev. Stat.,  
c. 223, s. 45  
amended.

45. Every loan company receiving deposits shall make a sworn return to the Registrar quarterly on the 15th days of January, April, July and October in each year, drawn in accordance with the form prescribed from time to time by the Registrar, showing the amount of such deposits and showing the amount of cash on hand and on deposit and the amount of debentures, bonds, stock or other securities of or guaranteed by the Dominion of Canada, and of or guaranteed by any province of Canada less any incumbrances thereon and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any incorporated company in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any general Act of the Dominion of Canada, payable by the Government of the Dominion of Canada to a trust company as trustee for the holders of such

Quarterly  
returns  
by loan  
company  
as to  
deposits.



bonds or debentures and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities hereinbefore in this section mentioned as the said amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return on hand and available for depositors.

Rev. Stat.,  
c. 223, s. 65,  
subs. 2,  
amended.

4. Subsection 2 of section 65 of *The Loan and Trust Corporations Act* is amended by inserting after the word "companies" in the third line the words "and to the sale of the assets of a loan corporation to a trust company" and by adding at the end thereof the words "provided that in the case of the sale of the assets of a loan corporation to a trust company, the purchasing trust company shall definitely set aside, in respect of any debentures and deposits of the vendor loan company of which the purchaser assumes payment, securities, including loans upon securities or cash, equal to the aggregate amount of such debentures and deposits in accordance with the provisions of subsection 2 of section 17 and subsection 4 of section 18 of this Act" so that the said subsection shall now read as follows:

Application  
of sections  
55 to 64  
to trust  
companies.  
etc.

(2) Sections 55 to 64 shall apply to the purchase and sale of the assets of a trust company by and to another and to the amalgamation of trust companies and to the sale of the assets of a loan corporation to a trust company, such corporations being incorporated under the law of Ontario or having their head offices in Ontario, and registered under this Act; provided that, in the case of the sale of the assets of a loan corporation to a trust company, the purchasing trust company shall definitely set aside in respect of any debentures and deposits of the vendor loan company of which the purchaser assumes payment, securities, including loans upon securities or cash, equal to the aggregate amount of such debentures and deposits in accordance with the provisions of subsection 2 of section 17 and subsection 4 of section 18 of this Act.

Rev. Stat.,  
c. 223, s. 136,  
amended.

5. Section 136 of *The Loan and Trust Corporations Act* is amended by inserting the words "or 'Limited' or 'Incorporated' or any abbreviations thereof" after the word "Society" in the eighth line, so that the said section shall now read as follows:

Penalty  
for using  
words in  
name of  
company  
while un-  
registered.

136. Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, assuming or using in Ontario a name which includes any of the words "Loan," "Mort-



gage," "Trust," "Trusts," "Investment," or "Guarantee" in combination or connection with any of the words "Corporation," "Company," "Association" or "Society" or "Limited" or "Incorporated" or any abbreviations thereof, or in combination or connection with any similar collective term, or assuming or using in Ontario any similar name, or any name or combination of names which is likely to deceive or mislead the public shall be guilty of an offence; and any person acting on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence; but where any of such combinations of words formed part of the corporate name of any combination theretofore duly incorporated by or under the authority of an Act of Ontario or of the Parliament of Canada the combination may continue to be used in Ontario as part of the corporate name.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.





BILL

An Act to amend The Loan and Trust  
Corporations Act.

---

*1st Reading*

April 12th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. LEDUC

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Insurance Act.

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MR. LEDUC

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No. 129

1935

# BILL

## An Act to amend The Insurance Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Insurance Amendment Act, 1935* (2).

Rev. Stat.,  
c. 222, s. 1,  
(1934, c. 22,  
s. 2)  
amended.      **2.** Paragraphs 1, 2, 24 and 30 of section 1 of *The Insurance Act* as enacted by section 2 of *The Insurance Act, 1934*, are repealed and the following substituted therefor:

"Accident  
insurance."

**1.** "Accident insurance" means insurance by which the insurer undertakes, otherwise than incidentally to some other class of insurance defined by or under this Act, to pay insurance money in the event of accident to the person or persons insured, but does not include insurance by which the insurer undertakes to pay insurance money both in the event of death by accident and in the event of death from any other cause;

"Adjuster."

**2.** "Adjuster" means a person who, for compensation, not being a barrister or solicitor acting in the usual course of his profession or not being a trustee or an agent of the property insured, directly or indirectly solicits the right to negotiate the settlement of a loss, or holds himself out as an adjuster of losses, under fire or automobile insurance policies on behalf of the insurer or under fire insurance policies on behalf of the insured;

"Fraternal  
society."

**24.** "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit contracts of life insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act;

#### EXPLANATORY NOTES

SECTION 2. When new definitions of some 23 classes of insurance were enacted in 1934 (c. 22, s. 2), an obsolete definition of "accident insurance" was included by mistake. The new definition is the one approved by the Inter-provincial Insurance Conference and adopted by all provinces.

With reference to the definition of "adjuster" see explanatory note to section 7.

With reference to the definition of "fraternal society," the present definition is defective in that it refers at the end to "payment to beneficiaries," whereas, in fact, payment is sometimes made to the members themselves, e.g., under endowment contracts. This is the only material change.

A new definition of "inland transportation insurance" was adopted in 1934 (c. 22, s. 2), but it has proved to be too narrow to cover the miscellaneous forms of contract classified under this head. The revised definition is recommended for enactment by all provinces as a result of the Inter-provincial Insurance Conference held in St. John, N.B., last September.

"Inland transportation insurance."

30. "Inland transportation insurance" means insurance (other than marine insurance) against loss of or damage to property:

(a) while in transit or during delay incidental to transit; or

(b) where, in the opinion of the Superintendent, the risk is substantially a transit risk.

Rev. Stat.,  
c. 222, s. 24,  
amended.

3. Section 24 of *The Insurance Act* as amended by section 8 of *The Insurance Act, 1929*, and section 3 of *The Insurance Act, 1934*, is further amended by adding thereto the following subsection:

Determina-  
tion of  
classes of  
insurance  
by Superin-  
tendent.

(1a) Where a question arises as to the class of insurance into which any specific contract of insurance or form of policy falls, the Superintendent may determine the question and his determination shall be effective and final for the purposes of this Act.

Rev. Stat.,  
c. 222, s. 25,  
amended.

4. Section 25 of *The Insurance Act* as amended by section 5 of *The Insurance Act, 1931*, and section 3 of *The Insurance Act, 1933*, is further amended by adding thereto the following subsection:

License of  
extra-  
provincial  
or foreign  
corporation.

(7) A license shall not be granted to a corporation which is incorporated under the law of a legislative jurisdiction other than that of the Province of Ontario unless the head office and chief place of business of such corporation is situate within the boundaries of such legislative jurisdiction.

Rev. Stat.,  
c. 222, s. 92c  
(1933,  
c. 22, s. 11),  
re-numbered.

5. Section 92c of *The Insurance Act* as enacted by section 11 of *The Insurance Act, 1933*, is renumbered section 76c.

Rev. Stat.,  
c. 222, s. 236,  
subs. 1, cl. c,  
amended.

6. Clause c of subsection 1 of section 236 of *The Insurance Act* is amended by inserting after the word "week" in the second line the words "exclusive of hospital benefits not exceeding public ward rates" and after the word "hundred" in the last line the words "and fifty," so that the said clause shall now read as follows:

(c) if it contracts for sick benefits for an amount in excess of twelve dollars per week, exclusive of hospital benefits not exceeding public ward rates, or for a funeral benefit in excess of two hundred and fifty dollars.

Rev. Stat.,  
c. 222,  
amended.

7. *The Insurance Act* is amended by adding thereto the following section:

SECTION 3. Doubts sometimes arise as to the class of insurance (and some 23 classes are defined in section 1 of the Act) into which a particular form of policy falls, with resulting confusion as to the application of different parts of the Act relating to special classes of insurance, e.g., fire insurance and as to how government returns showing insurance transactions by classes of insurance, should be completed. All provinces are now adopting uniform definitions of classes of insurance and have been recommended by the Inter-provincial Insurance Conference to empower their Superintendents as provided in the new subsection.

SECTION 4. It has been suggested that a company incorporated, for example, under the laws of British Columbia, may establish its head office or chief place of business in Ontario and proceeds to carry on business here. Inasmuch as such a company would not be subject to the safeguarding provisions of Part XVI of *The Companies Act* relating to insurance companies, or subject to Dominion statutes respecting insurance companies, it is deemed contrary to the public interest to permit such a company to be licensed in Ontario; hence the proposed amendment.

SECTION 5. Section 92c of the Act, marginally noted "prohibition of certain policies" requires the Superintendent to report to the Minister any policy which, in his opinion is "unfair, fraudulent or not in the public interest." It does not apply, by virtue of section 79, to contracts of life, accident or sickness insurance. It is deemed desirable that it should so apply and, by renumbering it as section 76c, and thereby transferring it to Part II of the Act, it will so apply.

SECTION 6. This amendment relates to mutual benefit societies to which Part XI of the Act applies. Department inspections show that some long-established societies have been paying hospital benefits in addition to sick benefits and funeral benefits in excess of \$ 00. The purpose of the amendment is to broaden the powers of these societies to the extent indicated.

SECTION 7. This section relates to the licensing of insurance adjusters and should be read with the revised definition of "adjuster" contained in Section 2 of the Bill.



Prohibition  
against  
public  
adjusters  
of motor  
accident  
claims.

263a.—(1) Subject to the provisions of subsection 2, no person shall, on behalf of himself or any other person, directly or indirectly:

- (a) solicit the right to negotiate, or negotiate or attempt to negotiate, for compensation, the settlement of a claim for loss or damage arising out of a motor vehicle accident resulting from bodily injury to or death of any person or damage to property on behalf of a claimant; or
- (b) hold himself out as an adjuster, investigator, consultant or otherwise as an adviser, on behalf of any person having a claim against an insured for which indemnity is provided by a motor vehicle liability policy.

Exception.

- (2) This section shall not apply to a barrister or solicitor acting in the usual course of his profession.

Rev. Stat.,  
c. 222,  
amended.

8. *The Insurance Act* is amended by adding thereto the following section, 273a:

Preferential  
rates for  
groups of  
persons  
prohibited.

273a.—(1) No rating bureau and no insurer authorized to transact the business of insurance within Ontario shall fix or make any rate or schedule of rates or charge a rate for automobile insurance to any group of persons by reason of such group being engaged in any trade, calling, profession or occupation, or by reason of membership in any guild, union, society, club or association or by reason of common employment or by reason of common occupancy of the same building or group of buildings or for any other reason which would result in a lower cost to an individual in such group than such individual would have had to pay if insured individually; and every insurer or other person who violates the provisions of this section shall be guilty of an offence.

Exception  
where  
vehicles  
owned  
by same  
person.

- (2) Nothing in this section contained shall be deemed to prohibit the fixing or charging of a special rate for the insurance of two or more motor vehicles owned by and registered in the name of the same person.

Commence-  
ment of  
Act.

6. This Act, except section 7, shall come into force on the day upon which it receives the Royal Assent. Section 7 shall come into force on the 1st day of July, 1935.



A year ago (1934, c. 22, s. 12) the definition of "adjuster" was revised to include adjusters of claims under automobile as well as fire insurance policies. By Department regulation adjusters are licensed as "company adjusters," i.e., authorized to act on behalf of insurance companies or as "public adjuster," i.e., authorized to act on behalf of insured policyholders or claimants. The experience of the Department in licensing "public adjusters" in connection with automobile insurance establishes the desirability of prohibiting any person, other than a barrister or a solicitor acting in the usual course of his profession, from undertaking, for compensation, to settle claims arising out of motor vehicle accidents. Accordingly the definition of "adjuster" is revised to leave the law with reference to "company adjusters" and "public adjusters" of *fire* insurance losses (as it has stood since 1922 (c. 61, s. 16), but to permit and require only "company adjusters" of *automobile* insurance losses to be licensed. Thereupon the new section 263a is proposed to be added to accomplish the intention hereinbefore described.

SECTION 8. This amendment is aimed at so-called "synthetic fleets," i.e., the practice of a small minority of insurance companies in undertaking to insure the privately owned cars of groups of persons in common employment, or living in the same apartment, or belonging to the same trade or professional association, at lower premium rates than the individual members of the group would be required to pay if they insured as individuals. The practice has proved demoralizing to the automobile insurance business and constitutes unfair discrimination against the general body of policyholders. It is already prohibited by law or Insurance Department ruling in many other jurisdictions.

It will be observed that the amendment does not interfere in any way with so-called legitimate "fleet rating," i.e., the charging of a special experience premium rate in respect of a fleet of cars or trucks owned by the same person or corporation.

SECTION 9. Inasmuch as upwards of a dozen "public adjusters" are now licensed with respect to automobile insurance for a term ending June 30th, 1935, and have paid the prescribed fee, it is proposed that section 7 shall not come into force until July 1st, 1935.

BILL

An Act to amend The Insurance Act.

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*1st Reading*

April 12th, 1935

*2nd Reading*

*3rd Reading*

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MR. LEDUC

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Insurance Act.

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MR. LEDUC

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No. 129

1935

# BILL

## An Act to amend The Insurance Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance Amendment Act, 1935* (2).

Rev. Stat.,  
c. 222, s. 1,  
(1934, c. 22,  
s. 2)  
amended.

2. Paragraphs 1, 2, 24 and 30 of section 1 of *The Insurance Act* as enacted by section 2 of *The Insurance Act, 1934*, are repealed and the following substituted therefor:

"Accident  
insurance."

1. "Accident insurance" means insurance by which the insurer undertakes, otherwise than incidentally to some other class of insurance defined by or under this Act, to pay insurance money in the event of accident to the person or persons insured, but does not include insurance by which the insurer undertakes to pay insurance money both in the event of death by accident and in the event of death from any other cause;

"Adjuster."

2. "Adjuster" means a person who, for compensation, not being a barrister or solicitor acting in the usual course of his profession or not being a trustee or an agent of the property insured, directly or indirectly solicits the right to negotiate the settlement of a loss, or holds himself out as an adjuster of losses, under fire or automobile insurance policies on behalf of the insurer or under fire insurance policies on behalf of the insured;

"Fraternal  
society."

24. "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit, contracts of life insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act;

30. "Inland transportation insurance" means insurance (other than marine insurance) against loss of or damage to property: "Inland transportation insurance."

(a) while in transit or during delay incidental to transit; or

(b) where, in the opinion of the Superintendent, the risk is substantially a transit risk.

3. Section 24 of *The Insurance Act* as amended by section 8 of *The Insurance Act, 1929*, and section 3 of *The Insurance Act, 1934*, is further amended by adding thereto the following subsection: Rev. Stat., c. 222, s. 24, amended.

(1a) Where a question arises as to the class of insurance into which any specific contract of insurance or form of policy falls, the Superintendent may determine the question and his determination shall be effective and final for the purposes of this Act. Determination of classes of insurance by Superintendent.

4. Section 25 of *The Insurance Act* as amended by section 5 of *The Insurance Act, 1931*, and section 3 of *The Insurance Act, 1933*, is further amended by adding thereto the following subsection: Rev. Stat., c. 222, s. 25, amended.

(7) A license shall not be granted to a corporation which is incorporated under the law of a legislative jurisdiction other than that of the Province of Ontario unless the head office and chief place of business of such corporation is situate within the boundaries of such legislative jurisdiction. License of extra-provincial or foreign corporation.

5. Section 92c of *The Insurance Act* as enacted by section 11 of *The Insurance Act, 1933*, is renumbered section 76c. Rev. Stat., c. 222, s. 92c (1933, c. 22, s. 11), re-numbered.

6. Clause c of subsection 1 of section 236 of *The Insurance Act* is amended by inserting after the word "week" in the second line the words "exclusive of hospital benefits not exceeding public ward rates" and after the word "hundred" in the last line the words "and fifty," so that the said clause shall now read as follows: Rev. Stat., c. 222, s. 236, subs. 1, cl. c, amended.

(c) if it contracts for sick benefits for an amount in excess of twelve dollars per week, exclusive of hospital benefits not exceeding public ward rates, or for a funeral benefit in excess of two hundred and fifty dollars.

7. *The Insurance Act* is amended by adding thereto the following section: Rev. Stat., c. 222, amended.



Prohibition  
against  
public  
adjusters  
of motor  
accident  
claims.

263a.—(1) Subject to the provisions of subsection 2, no person shall, on behalf of himself or any other person, directly or indirectly:

(a) solicit the right to negotiate, or negotiate or attempt to negotiate, for compensation, the settlement of a claim for loss or damage arising out of a motor vehicle accident resulting from bodily injury to or death of any person or damage to property on behalf of a claimant; or

(b) hold himself out as a an adjuster, investigator, consultant or otherwise as an adviser, on behalf of any person having a claim against an insured for which indemnity is provided by a motor vehicle liability policy.

Exception.

(2) This section shall not apply to a barrister or solicitor acting in the usual course of his profession.

Rev. Stat.,  
c. 222,  
amended.

8. *The Insurance Act* is amended by adding thereto the following section:

Preferential  
rates for  
groups of  
persons  
prohibited.

273a.—(1) No rating bureau and no insurer authorized to transact the business of insurance within Ontario shall fix or make any rate or schedule of rates or charge a rate for automobile insurance to any group of persons by reason of such group being engaged in any trade, calling, profession or occupation, or by reason of membership in any guild, union, society, club or association or by reason of common employment or by reason of common occupancy of the same building or group of buildings or for any other reason which would result in a lower cost to an individual in such group than such individual would have had to pay if insured individually; and every insurer or other person who violates the provisions of this section shall be guilty of an offence.

Exception  
where  
vehicles  
owned  
by same  
person.

(2) Nothing in this section contained shall be deemed to prohibit the fixing or charging of a special rate for the insurance of two or more motor vehicles owned by and registered in the name of the same person.

Commence-  
ment of  
Act.

9. This Act, except section 7, shall come into force on the day upon which it receives the Royal Assent. Section 7 shall come into force on the 1st day of July, 1935.







BILL

An Act to amend The Insurance Act.

*1st Reading*

April 12th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

MR. LEDUC



1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The School Law Amendment Act, 1935.

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MR. NIXON (Temiskaming)

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No. 130

1935

# BILL

## The School Law Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The School Law Amendment Act, 1935*.

Rev. Stat.,  
c. 322, s. 5,  
subs. 1,  
amended.      **2.** Subsection 1 of section 5 of *The Department of Education Act* as amended by subsection 1 of section 2 of *The School Law Amendment Act, 1930*, section 3 of *The School Law Amendment Act, 1933*, and subsection 1 of section 2 of *The School Law Amendment Act, 1934*, is further amended by adding thereto the following clause:

Use of  
schools for  
practice  
teaching.      (zz) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teacher-training school or college.

Rev. Stat.,  
c. 323, s. 62,  
subs. 3,  
cl. a  
(1932,  
c. 42, s. 8),  
amended.      **3.—(1)** Clause *a* of subsection 3 of section 62 of *The Public Schools Act* as re-enacted by section 8 of *The School Law Amendment Act, 1932*, is amended by inserting after the word "ratepayer" the words "whose taxes for school purposes are neither overdue nor unpaid," so that the said clause shall now read as follows:

Qualification  
of trustees.      (a) a resident ratepayer whose taxes for school purposes are neither overdue nor unpaid; or

Rev. Stat.,  
c. 323, s. 62,  
subs. 3,  
cl. b  
(1932,  
c. 42, s. 8),  
amended.      (2) Clause *b* of subsection 3 of the said section 62 as re-enacted by section 8 of *The School Law Amendment Act, 1932*, is amended by adding at the end thereof the words "provided that all taxes for school purposes payable with respect to such farm are neither overdue nor unpaid," so that the said clause shall now read as follows:

Qualification  
of trustees.      (b) the husband, wife, son or daughter of a person assessed as the owner of a farm if resident on the farm with the

#### EXPLANATORY NOTES

SECTION 2. This clause is added to remove any doubts regarding the right of the Minister to use classes in any of the schools under the control of the Department for the purpose of practice teaching in connection with any teacher-training school or college maintained by the Department.

SECTION 3.—(1, 2) The requirement regarding the payment of school taxes as a qualification for election as a trustee does not now apply to the wife, son or daughter of a person assessed as the owner of a farm. To place such persons in the same position as other persons who may be elected as trustees, it is desirable to make it clear that the taxes for school purposes, payable with respect to a farm property on which the wife, son or daughter of the owner resides, have been paid before such persons may be qualified to be elected as trustees of a public school. This amendment combines subsection 3 of section 62 of *The Public Schools Act* and subsection 1a of section 135 of *The Public Schools Act*.

assessed owner, provided that all taxes for school purposes payable with respect to such farm are neither overdue nor unpaid.

Rev. Stat.,  
c. 323, s. 78,  
subs. 1,  
amended.

(3) Subsection 1 of section 78 of *The Public Schools Act* as amended by subsection 1 of section 8 of *The School Law Amendment Act, 1933*, is further amended by striking out the words "except as provided in subsection 2" in the second and third lines so that the said subsection shall now read as follows:

Vacancy  
in office of  
trustee.

(1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Rev. Stat.,  
c. 323, s. 109,  
subs. 3,  
amended.

(4) Subsection 3 of section 109 of *The Public Schools Act* is amended by adding at the end thereof the words "and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$500," so that the said subsection shall now read as follows:

Application  
of township  
grant to  
teachers'  
salaries.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year in each case is at least \$500.

Rev. Stat.,  
c. 323, s. 135,  
subs. 1a  
(1933,  
c. 58, s. 18),  
repealed.

(5) Subsection 1a of section 135 of *The Public Schools Act* as enacted by section 18 of *The School Law Amendment Act, 1933*, is repealed.

Rev. Stat.,  
c. 326,  
s. 6, subs. 1,  
cl. a,  
amended.

4. Clause a of subsection 1 of section 6 of *The High Schools Act* is amended by inserting after the word "municipality" in the first line the words "or municipalities or for a part of a municipality or municipalities," so that the said clause shall now read as follows:

Establish-  
ment and  
discontinu-  
ance of  
high  
schools.

(a) for a municipality or municipalities, or for a part of a municipality or municipalities not separated from the county and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district already established.

Rev. Stat.,  
c. 328, s. 35,  
subs. 3,  
re-enacted.

5. Subsection 3 of section 35 of *The Separate Schools Act* is repealed and the following substituted therefor:

(3) Subsection 2 of section 78 refers exclusively to urban boards and therefore the words "except as provided in subsection 2" are superfluous in subsection 1.

(4) The purpose of this section is to fix a minimum salary for teachers in rural schools and to make the right of the school section to receive the township grant, dependent on the payment to the teacher, or teachers, employed by the section of a salary, in each case, of at least \$500.

(5) The subsection repealed is no longer necessary in view of the amendment made by section 3 of this Bill.

SECTION 4. The purpose of this amendment is to enlarge the powers of a county council re the setting apart of areas within the county which because of the distribution of population are natural high school districts although they do not come within municipal boundary lines.

SECTION 5. The purpose of this amendment is to make possible a reduction in the number of trustees in small urban centres.



Number of  
trustees  
may be  
limited by  
resolution.

- (3) In cities a board, by resolution, may limit the number of trustees to one trustee for each ward, and in towns divided into wards a board, by resolution, may limit the number of trustees to six, provided in all cases that at least one month's notice shall be given of the intention of the board to consider a resolution to that effect, and that such limitation shall not come into operation until the close of the current school year.

Rev. Stat.,  
c. 331, s. 2,  
subs. 9,  
cl. a,  
re-enacted.

- 6.** Clause *a* of subsection 9 of section 2 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

Audit.

- (a) The costs and expenses of such audits and reports shall be paid by the Commission out of the Fund.

Rev. Stat.,  
c. 246, s. 15,  
amended.

- 7.** Section 15 of *The Public Libraries Act* is amended by adding thereto the following subsection:

Members  
of board.

- (1a) The members of the board appointed by the public school board and by the separate school board shall be residents of the municipality which maintains the public library.

Commence-  
ment of  
Act.

- 8.** This Act shall come into force on the day upon which it receives the Royal Assent.

SECTION 6. The purpose of this amendment is to provide that the Teachers' and Inspectors' Superannuation Commission shall pay the cost of audit from the Teachers' and Inspectors' Superannuation Fund.

SECTION 7. In some cases the school section extends beyond the municipality which supports the public library. The purpose of the amendment is to make sure that all members of the public library board are ratepayers of the municipality responsible for the maintenance of the library.

BILL

The School Law Amendment Act, 1935.

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*1st Reading*

April 12th, 1935

*2nd Reading*

*3rd Reading*

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MR. NIXON (Temiskaming)

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The School Law Amendment Act, 1935.

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MR. NIXON (Temiskaming)

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# BILL

## The School Law Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The School Law Amendment Act, 1935*.

Rev. Stat.,  
c. 322, s. 5,  
subs. 1,  
amended.

2. Subsection 1 of section 5 of *The Department of Education Act* as amended by subsection 1 of section 2 of *The School Law Amendment Act, 1930*, section 3 of *The School Law Amendment Act, 1933*, and subsection 1 of section 2 of *The School Law Amendment Act, 1934*, is further amended by adding thereto the following clause:

Use of  
schools for  
practice  
teaching.

(zz) to make use of any public, separate, continuation, high or vocational school for the purposes of observation and practice teaching by teachers-in-training at any provincial teacher-training school or college.

Rev. Stat.,  
c. 323, s. 62,  
subs. 3,  
cl. a  
(1932,  
c. 42, s. 8),  
amended.

3.—(1) Clause *a* of subsection 3 of section 62 of *The Public Schools Act* as re-enacted by section 8 of *The School Law Amendment Act, 1932*, is amended by inserting after the word "ratepayer" the words "whose taxes for school purposes are neither overdue nor unpaid," so that the said clause shall now read as follows:

Qualification  
of trustees.

(a) a resident ratepayer whose taxes for school purposes are neither overdue nor unpaid; or

Rev. Stat.,  
c. 323, s. 62,  
subs. 3,  
cl. b  
(1932,  
c. 42, s. 8),  
amended.

(2) Clause *b* of subsection 3 of the said section 62 as re-enacted by section 8 of *The School Law Amendment Act, 1932*, is amended by adding at the end thereof the words "provided that all taxes for school purposes payable with respect to such farm are neither overdue nor unpaid," so that the said clause shall now read as follows:

Qualification  
of trustees.

(b) the husband, wife, son or daughter of a person assessed as the owner of a farm if resident on the farm with the



assessed owner, provided that all taxes for school purposes payable with respect to such farm are neither overdue nor unpaid.

(3) Subsection 1 of section 78 of *The Public Schools Act* as amended by subsection 1 of section 8 of *The School Law Amendment Act, 1933*, is further amended by striking out the words "except as provided in subsection 2" in the second and third lines so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 323, s. 78,  
subs. 1,  
amended.

(1) Where the office of trustee of a rural school section becomes vacant from any cause, the remaining trustees shall forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Vacancy  
in office of  
trustee.

(4) Subsection 3 of section 109 of *The Public Schools Act* is amended by adding at the end thereof the words "and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$500," so that the said subsection shall now read as follows:

Rev. Stat.,  
c. 323, s. 109,  
subs. 3,  
amended.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year in each case is at least \$500.

Application  
of township  
grant to  
teachers'  
salaries.

(5) Subsection 1a of section 135 of *The Public Schools Act* as enacted by section 18 of *The School Law Amendment Act, 1933*, is repealed.

Rev. Stat.,  
c. 323, s. 135,  
subs. 1a  
(1933,  
c. 58, s. 18),  
repealed.

4. Clause a of subsection 1 of section 6 of *The High Schools Act* is amended by inserting after the word "municipality" in the first line the words "or municipalities or for a part of a municipality or municipalities," so that the said clause shall now read as follows:

Rev. Stat.,  
c. 326,  
s. 6, subs. 1,  
cl. a,  
amended.

(a) for a municipality or municipalities, or for a part of a municipality or municipalities not separated from the county and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district already established.

Establish-  
ment and  
discontinu-  
ance of  
high  
schools.

5. Clause a of subsection 9 of section 2 of *The Teachers' and Inspectors' Superannuation Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 331, s. 2,  
subs. 9,  
cl. a,  
re-enacted.

Audit.

(a) The costs and expenses of such audits and reports shall be paid by the Commission out of the Fund.

Commence-  
ment of  
Act.

**6.** This Act shall come into force on the day upon which it receives the Royal Assent.









BILL

The School Law Amendment Act, 1935.

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*1st Reading*

April 12th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

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MR. NIXON (Temiskaming)

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Public Schools Act.

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MR. CAMPBELL

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No. 131

1935

# BILL

An Act to amend The Public Schools Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Schools Amendment Act, 1935*.

Rev. Stat.,  
c. 323, s. 84,  
amended.      **2.** Section 84 of *The Public Schools Act* is amended by adding thereto the following subsection:

In case of  
delay  
inspector  
may call  
first  
meeting.

(2) If for any reason an urban board has not held its first meeting as provided by subsection 1 of section 82, or a rural board has not held its first meeting as provided by subsection 1 of section 83, the inspector may at any time call the first meeting of the board for such day, at such hour and at such place as he may determine.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

In case of delay in calling a first meeting of an urban or rural school board the inspector is empowered to call such meeting for such day and hour as he may think fit.

BILL

An Act to amend The Public Schools  
Act.

---

*1st Reading*

April 12th, 1935

*2nd Reading*

*3rd Reading*

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MR. CAMPBELL

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No. 131

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Public Schools Act.

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MR. CAMPBELL

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No. 131

1935

# BILL

## An Act to amend The Public Schools Act.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.      **1.** This Act may be cited as *The Public Schools Amendment Act, 1935*.

Rev. Stat.,  
c. 323, s. 84,  
amended.      **2.** Section 84 of *The Public Schools Act* is amended by adding thereto the following subsection:

In case of  
delay  
inspector  
may call  
first  
meeting.

- (2) If for any reason an urban board has not held its first meeting as provided by subsection 1 of section 82, or a rural board has not held its first meeting as provided by subsection 1 of section 83, the inspector may at any time call the first meeting of the board for such day, at such hour and at such place as he may determine.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Public Schools  
Act.

*1st Reading*

April 12th, 1935

*2nd Reading*

April 15th, 1935

*3rd Reading*

April 17th, 1935

MR. CAMPBELL

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Statute Law Amendment Act, 1935.

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MR. MCQUESTEN

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# BILL

## The Statute Law Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Statute Law Amendment Act, 1935*.

Rev. Stat.,  
c. 71, s. 22,  
subs. 1, cl. c,  
(1932,  
c. 53, s. 7),  
re-enacted.

2. Clause *c* of subsection 1 of section 22 of *The Agricultural Societies Act* as re-enacted by section 7 of *The Statute Law Amendment Act, 1932*, is repealed and the following substituted therefor:

Distribution  
of  
provincial  
grant.

(*c*) The remainder of the grant voted for agricultural societies shall be divided among societies other than new societies, in proportion to the amount they expended during the next preceding three years for agricultural purposes, as shown by their sworn statements, and as defined by section 20, and there shall not be included in such expenditure money used for the purchase or maintenance of pure bred stock, for the holding of spring stallion shows, spring bull shows, or combined spring stallion and bull shows, or for spring seed fairs.

1879,  
c. 81, s. 10,  
amended.

3. Section 10 of the Act passed in the forty-second year of the reign of Her Late Majesty Queen Victoria, entitled *An Act to incorporate the Industrial Exhibition Association of Toronto* as amended by section 1 of an Act passed in the ninth year of the reign of His Majesty, King George the Fifth, entitled *An Act respecting the Canadian National Exhibition Association* is further amended by adding thereto the following subsection:

Honorary  
directors.

(2) The directors shall also, in recognition of distinguished services to the Association, have full power to appoint such former directors as they deem advisable as honorary directors for life, and such honorary directors shall have all the rights, powers and duties of members of the Association, but shall not have the right to vote at meetings thereof.

#### EXPLANATORY NOTES

Section 2. The present clause provides that the grant voted for agricultural societies may be distributed among societies, other than new societies, which receive grants from municipalities under section 38 of the Act and that the grant shall not exceed the amount received by the society from all municipalities during the next preceding year. The new clause provides that the grant shall be in proportion to the amount expended by the societies for agricultural purposes during the next preceding three years and specifies what shall not be included in such expenditure.

Section 3. This gives the directors of the Canadian National Exhibition Association power to appoint former directors of the Association honorary members thereof, in recognition of distinguished services to the Association.

Rev. Stat.,  
c. 218, s. 242,  
amended. 4.—(1) Section 242 of *The Companies Act* is amended by adding thereto the following subsection:

Superintendent to prepare report on application. (3) Before the application is granted, the Superintendent shall prepare a report upon the application for the Lieutenant-Governor in Council.

Rev. Stat.,  
c. 218, s. 243,  
subs. 5,  
repealed. (2) Subsection 5 of section 243 of *The Companies Act* is repealed.

Rev. Stat.,  
c. 218,  
amended. (3) *The Companies Act* is amended by adding thereto the following section:

Reduction of capital of life insurance companies. 243a.—(1) Where a company undertaking life insurance has insurance in force of less than \$25,000,000 and has a surplus to policy-holders in excess of \$500,000, the directors may pass a by-law authorizing an application to the Lieutenant-Governor for the issue of supplementary letters patent decreasing its authorized, subscribed and paid-in capital by not more than fifty per centum.

"Surplus to policy-holders,"—meaning of. (2) The expression "surplus to policy-holders" in subsection 1 means the surplus of assets over liabilities excluding capital stock shown in the annual statement of the company at the end of the next preceding calendar year as filed with and approved by the Superintendent of Insurance.

By-law and letters patent to declare new par value. (3) The by-law and the supplementary letters patent shall declare the new par value of the shares and the liability of the shareholders on partially paid-in shares.

Application,—when to be made. (4) The application shall not be made until the by-law has been confirmed by a vote of the shareholders present or represented by proxy, at a general meeting duly called for considering the same, and holding not less than two-thirds of the issued capital stock represented at such meeting.

Surplus not to be decreased by dividends to shareholders. (5) The supplementary letters patent shall contain a provision that any surplus created by reason of such decrease of capital shall not be decreased by dividends to shareholders which may be declared thereafter.

Rev. Stat.,  
c. 218, s. 278,  
subs. 1,  
amended. (4) Subsection 1 of section 278 of *The Companies Act* as amended by subsection 4 of section 6 of *The Statute Law Amendment Act, 1934*, is further amended by inserting after the word "located" in the fifth line the words "at least," so that the said subsection shall now read as follows:

Section 4.—(1) Section 242 relates to incorporation of joint stock insurance companies and requires applicants for incorporation to give one month's notice to the Superintendent of Insurance. The purpose of the amendment is to require the Superintendent to report upon the application to the Lieutenant-Governor in Council.

(2) Subsection 3 of section 16 of *The Companies Act* to which reference is made in subsection 5 of section 243, was repealed by section 2 of *The Companies Act, 1929*, and it follows that subsection 5 of section 243 should also be repealed.

(3) The purpose of the new section is to permit a life insurance company which has a large paid-in capital but a small amount of insurance in force, to reduce its capital so long as its "surplus to policyholders" is not thereby or thereafter by dividends to shareholders decreased.

(4), (5) The words "at least" were inadvertently omitted when section 278 was amended last Session.



Notice of  
annual or  
special  
meeting.

- (1) Notice of every annual, general or special general meeting of the corporation shall be sent by post to every shareholder and member and shall be published in a newspaper published at or near the place where the head office is located at least seven days previous to the day of the meeting.

Rev. Stat.,  
c. 218, s. 278,  
subs. 3  
(1934,  
c. 54, s. 6,  
subs. 5),  
amended.

- (5) Subsection 3 of the said section 278 as enacted by subsection 5 of section 6 of *The Statute Law Amendment Act, 1934*, is amended by inserting after the word "shall" in the first line the words "at least," so that the said subsection shall now read as follows:

Annual  
statement  
to be sent to  
members.

- (3) The directors shall at least seven days prior to the date of the annual meeting, send to every member by post the annual statement for the year ending on the previous 31st day of December, which shall be certified by the auditors, and shall be in the form prescribed by the regulations passed pursuant to section 71 of *The Insurance Act*.

Rev. Stat.,  
c. 222.

1928,  
c. 33, s. 4,  
subs. 1,  
amended.

5.—(1) Subsection 1 of section 4 of *The Companies Information Act, 1928*, as amended by section 2 of *The Companies Information Act, 1931*, by subsection 2 of section 35 of *The Statute Law Amendment Act, 1932*, and by subsection 2 of section 31 of *The Statute Law Amendment Act, 1933*, is further amended by striking out the words "1st day of May" in the first line of the said subsection and inserting in lieu thereof the words "30th day of June" and by striking out the words "31st day of March" in the twelfth line of the said subsection and inserting in lieu thereof the words "1st day of May" and by inserting after the word "required" in the eleventh line of the said subsection the words "together with the fee prescribed by order-in-council" so that the first paragraph of the said subsection shall now read as follows:

Annual  
return of the  
corporation.

- (1) On or before the 30th day of June in each and every year without notice or demand to that effect, every corporation incorporated under the laws of Ontario, and every other corporation having its head or other office or doing business or any part thereof, in the Province of Ontario, shall unless a corporation liable to payment of taxes under subsections 1 to 14 of section 3 of *The Corporations Tax Act*, or unless an insurer licensed under *The Insurance Act*, make out, verify and deliver to the Provincial Secretary as hereinafter required, together with the fee prescribed by order-in-council, a detailed return containing as of the 1st day of May next preceding, correctly stated, the following information and particulars.



Section 5.—(1) This amendment makes provision that the annual returns of corporations now required to be filed with the Provincial Secretary before the 1st of May shall hereafter be filed before the 30th of June. This is to conform with a like amendment to *The Corporations Tax Act* (Bill No. 109), Section 6.) This uniformity is desirable inasmuch as the return forms under *The Corporations Tax Act* and under *The Companies Information Act* are sent to corporations at the same time and under the same cover and are returned in like manner by the corporations interested.

1928,  
c. 33, s. 4,  
amended.

(2) Subsection 2 of section 4 of *The Companies Information Act, 1928*, as amended by subsection 2 of section 35 of *The Statute Law Amendment Act, 1932*, is amended by striking out the word "May" in the fourth line of the said subsection and inserting in lieu thereof the word "July."

1928,  
c. 33, s. 4,  
amended.

(3) Subsection 4 of section 4 of *The Companies Information Act, 1928*, as amended by subsection 2 of section 35 of *The Statute Law Amendment Act, 1932*, is repealed.

Rev. Stat.,  
c. 91, s. 12,  
subs. 3,  
re-enacted.

**6.**—(1) Subsection 3 of section 12 of *The County Courts Act* is repealed and the following substituted therefor:

Trial  
sittings,  
County of  
York.

(3) In the county of York four such sittings shall be held in each year to commence on the first Tuesday in December, March and May and the second Tuesday in September.

County of  
Wentworth.

(3a) In the county of Wentworth four such sittings shall be held in each year to commence on the first Tuesday in December and March and on the second Tuesday of May and September

Commence-  
ment of  
section.

(2) The amendment made by subsection 1 of this section shall be deemed to have been in force from the 1st day of April, 1935.

Rev. Stat.,  
c. 90,  
amended.

**7.** Section 24 of *The County Judges Act* is amended by adding thereto the following subsection:

How  
convened.

(2) The judge in a county court district who, in point of time, is senior in appointment to office shall convene the meetings referred to in this section and unless all the judges present at any such meeting unanimously agree upon a different mode of dividing the work, the same shall be divided strictly in conformity with this and the next preceding section, and no judge except by reason of illness or other unavoidable cause, shall be excused from performing the judicial work assigned to him at any such meeting.

Rev. Stat.,  
c. 92, s. 3,  
subs. 2,  
re-enacted.

**8.**—(1) Subsection 2 of section 3 of *The General Sessions Act* is repealed and the following substituted therefor:

General  
sessions,—  
county of  
York.

(2) In the county of York the sittings of the court shall be held four times in the year commencing on the first Tuesday in the months of December, March and May and on the second Tuesday in the month of September in each year.

(2) This amendment is necessary by reason of the foregoing amendment to subsection 1.

(3) The provision in this subsection is now included in the amendment to subsection 1.

Section 6. The new subsection 3 provides that the May sittings of the court in the county of York shall commence on the first Tuesday in May instead of the second Tuesday as now provided. The reason for this is that the lists in the county of York are very lengthy and in the ordinary course of events the sittings continue well on into the month of June. The amendment is made retroactive in order that there may be no confusion with respect to dates upon which the necessary precepts shall be sent out by the clerk of the court. Subsection 3a takes care of the county of Wentworth.

Section 7. The object of the amendment is to allow the judge in a county court district who in point of time is senior in appointment, to convene the meetings to assign the duties of the other judges.

Section 8. The new subsection 2 provides that the May sittings of the court in the county of York shall commence on the first Tuesday in May instead of the second Tuesday as now provided. The reason for this is that the lists in the county of York are very lengthy and in the ordinary course of events the sittings continue well on into the month of June. The amendment is made retroactive in order that there may be no confusion with respect to dates upon which the necessary precepts shall be sent out by the clerk of the court. Subsection 3a takes care of the county of Wentworth.

County of  
Wentworth.

(2a) In the county of Wentworth the sittings of the court shall be held four times in the year commencing on the first Tuesday in the months of December and March and on the second Tuesday in the months of May and September.

Commence-  
ment of  
section.

(2) The amendment made by subsection 1 of this section shall be deemed to have been in force from the 1st day of April, 1935.

Rev. Stat.,  
c. 300, s. 5,  
c. b,  
amended.

9.—(1) Clause *b* of section 5 of *The Dog Tax and Sheep Protection Act* is amended by striking out the figure "3" in the third line and inserting in lieu thereof the figure "4", so that the said clause shall now read as follows:

Licensing  
of dogs.

(b) On payment of the license fee the owner shall be furnished with a dog tag and the provisions of subsections 1 and 4 as to keeping the tag securely fixed on the dog, and of subsections 2, 3 and 5 of section 4 shall apply.

Rev. Stat.,  
c. 300,  
amended.

(2) *The Dog Tax and Sheep Protection Act* is amended by adding thereto the following section:

Penalties.

6a. A by-law passed under the authority of this Act may impose penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any such by-law and every such penalty shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,  
c. 45, s. 165  
(1930,  
c. 8, s. 7),  
repealed.

10. Section 165 of *The Mining Act* as re-enacted by section 7 of *The Mining Act, 1930*, is repealed.

1920,  
c. 84, s. 19,  
amended.

11. Section 19 of *The Municipal Housing Act, 1920*, is amended by adding thereto the following subsection.

Power to  
amend terms  
of agreement  
for sale.

(3) A commission may with the approval of the director, amend the terms of any agreement for sale of property heretofore or hereafter entered into by it under the provisions of this Act, and with respect to property sold under any agreement which has been cancelled or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreements may be such as the director may approve.

1919,  
c. 54, s. 25,  
amended.

12. Section 25 of *The Ontario Housing Act, 1919*, is amended by adding thereto the following subsection:

Power to  
amend terms  
of agreement  
for sale.

(3) A commission may, with the approval of the director, amend the terms of any agreement for sale of



Section 9.—(1) This amendment is to correct a typographical error in the Revised Statutes.

(2) By some oversight when this Act was revised in 1926, no provision was made to enable a municipality to impose penalties for breaches of by-laws passed under the Act. This amendment is to cure such omission, and is based upon the provisions of the penalty section in *The Municipal Act*.

Section 10. The repealed section forbids the operation of a liquor store or brewers' warehouse within six miles of a mine or mining camp except where such store is located in a city, town or village. This prohibition serves no useful purpose.

Section 11. Municipalities which embarked upon housing schemes are now meeting with difficulties in dealing with houses. In some instances arrears have accumulated to a sum which will never be collected. In other cases houses have depreciated in value and are no longer worth the original cost. There is no present authority for resale at less than original cost unless special legislation is applied for. This amendment will enable a housing commission to amend agreements and to resell at less than cost where the Director of Housing approves.

Section 12. Municipalities which embarked upon housing schemes are now meeting with difficulties in dealing with houses. In some instances arrears have accumulated to a sum which will never be collected. In other cases houses have depreciated in value and are no longer worth the original cost. There is no present authority for resale at less than original cost unless special legislation is applied for. This amendment will enable a housing commission to amend agreements to resell at less than cost where the Director of Housing approves.



property heretofore or hereafter entered into by it under the provisions of this Act, and with respect to property sold under any agreement which has been cancelled or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreements may be such as the director may approve.

Rev. Stat.,  
c. 362, s. 2,  
amended.

**13.** Section 2 of *The Parole Act* as amended by subsection 1 of section 30 of *The Statute Law Amendment Act, 1933*, is further amended by striking out the word "five" in the third line and inserting in lieu thereof the words "not more than six" so that the said section shall now read as follows:

Board of  
Parole.

R.S.C. 1906,  
c. 148.

2. For the purposes of this Act and of the said *The Prisons and Reformatories Act*, there is constituted a board to be known as the Board of Parole which shall be composed of not more than six persons to be appointed by the Lieutenant-Governor in Council, and notwithstanding that such board has heretofore been composed of only such members, every act, order and proceeding of such board shall be deemed to be and to have been valid, binding and effective.

1931,  
c. 77, s. 11,  
subs. 1,  
amended.

**14.**—(1) Subsection 1 of section 11 of *The Private Hospitals Act, 1931*, is amended by adding thereto the following clause:

(d) or a hospital licensed for the treatment of such other class or classes of patients in this Act and the regulations provided.

1931, c. 77,  
amended.

(2) *The Private Hospitals Act, 1931*, is amended by adding thereto the following section:

Municipal  
agreements  
as to  
indigents.

26a. With the approval of the Minister, a municipality may enter into an annual agreement with a private hospital respecting the admission and treatment of indigent persons and dependents of indigent persons in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Minister may terminate any such agreement at any time by thirty days' notice in writing under his hand to the parties thereto.

1931,  
c. 78, s. 2,  
c. 4,  
re-enacted.

**15.**—(1) Clause *i* of section 2 of *The Public Hospitals Act, 1931*, is repealed and the following substituted therefor:

"Patient."

(i) "Patient" shall mean a person received and lodged in a hospital for the purpose of treatment, except that in section 40a "patient" shall include a person

Section 13. This amendment will permit a woman to be appointed to sit on the Board in cases where women are concerned.

Section 14.—(1) Subsection 1 of section 11 of the Act at present provides a license for maternity, medical and surgical hospitals. There are other classes of private hospitals which must be licensed. The amendment will provide for such other classes. As to the other classes of private hospital which must be licensed, clause *h* of section 2 of the Act authorizes "convalescent home, rest home, private sanatorium for consumptives, private refuge for the aged or infirm and any other hospital, home, refuge or other premises which may be declared by the Lieutenant-Governor in Council to be subject to this Act.

(2) The purpose of this amendment is to authorize any municipality to enter into an agreement with a private hospital to care for indigent patients.

Section 15.—(1) The purpose of this amendment is to clarify the definition of "patient." In section 40*a* "patient" includes both "in-patient" and "out-patient." In the remainder of the Act "patient" includes only "in-patient."

admitted to a hospital for the purpose of treatment and a person received and lodged in a hospital for the purpose of treatment.

1931,  
c. 78, s. 34,  
subs. 1, cl. a,  
amended.

(2) Clause *a* of subsection 1 of section 34 of *The Public Hospitals Act* as amended by subsection 2 of section 16 of *The Statute Law Amendment Act, 1934*, is further amended by adding thereto the following words: "Provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential," so that the said clause shall now read as follows:

Initial  
indigent  
rate of aid.

(a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in paragraph *b* mentioned, at the rate of sixty cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital except in the case of a hospital which under the regulations is classed as a convalescent hospital, payment shall be at the rate of thirty cents per day up to one hundred and twenty days, provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential.

1931,  
c. 78, s. 40a,  
(1932,  
c. 53, s. 39,  
subs. 1),  
amended.

(3) Section 40a of *The Public Hospitals Act* as enacted by subsection 1 of section 39 of *The Statute Law Amendment Act, 1932*, is amended by striking out the words "two years" in the sixth line and inserting in lieu thereof the words "six months," so that the said section shall now read as follows:

Limitation  
of action.

40a. Any action against any hospital or any person for anything done or purporting to be done in pursuance of this Act brought by or on behalf of any person who has been admitted as a patient in such hospital and has been discharged therefrom shall be commenced within six months after his discharge.

1930, c. 17,  
amended.

**16.** *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding thereto the following section:

Pension  
fund,—  
confirmation  
of.

(5a.—(1) The provisions of subsection 1 of section 16 of *The Power Commission Act* shall apply and be deemed to have applied to the employees of the railway, and the pension fund established for the benefit of such employees is hereby confirmed and declared to be legal and valid as if the same had been established under the provisions of the said section 16 of the said Act.

(2) The purpose of this amendment is to give the inspector authority to extend provincial aid beyond the statutory period for an additional sixty days in cases which are approved by the inspector.

(3) The purpose of this amendment is to reduce the time within which a patient may bring action against a hospital from two years to six months.

Section 16. An employees' pension fund was established when this railway was managed by The Hydro-Electric Power Commission and it is in the interests of the employees that the Commission continue to manage the fund although it no longer operates the railway. The present managers have no machinery or means for looking after the fund.



Power  
Commission  
to continue  
to manage  
pension  
fund.

- (2) Notwithstanding that the Commission may have ceased to manage and operate the railway it shall continue to manage and administer the said pension fund under and according to the provisions of the said section 16 of the said Act and all payments to or out of the said pension fund shall be subject thereto and to any rules and regulations governing such fund.

Rev. Stat.,  
c. 239, s. 2,  
subs. 1,  
amended.

- 17.** Subsection 1 of section 2 of *The Statute Labour Act* is amended by striking out the symbol and figure "\$5" in the fourth line and inserting in lieu thereof the symbol and figure "\$10", so that the first four lines of the said subsection shall now read as follows:

Poll tax.

- (1) Councils of cities, towns, villages and townships may pass by-laws for levying and collecting an annual tax to be known as "poll tax" of not less than \$1 and not more than \$10 from every male inhabitant of the municipality who,—
- . . . . .

1934,  
c. 54, s. 2,  
subs. 2,  
amended.

- 18.** Subsection 2 of section 2 of *The Statute Law Amendment Act, 1934*, is amended by striking out the figures "1934" in the third line and inserting in lieu thereof the figures "1935."

Township  
of Teck,  
debentures  
for unem-  
ployment  
and public  
school  
purposes.

- 19.** The Orders-in-Council bearing date respectively the 31st day of October, 1933, authorizing the execution of agreements dated the 7th day of December, 1933, between the corporation of the township of Teck and the Government of the Province of Ontario respecting unemployment relief and public schools in the said township and debentures to be issued by the said corporation in respect thereto are hereby confirmed and declared to be and from the said 31st day of October, 1933, to have been legal and valid.

Rev. Stat.,  
c. 48, s. 1,  
cl. f,  
amended.

- 20.—**(1) Clause *f* of section 1 of *The Well Drillers Act* is amended by adding at the end thereof the words "or water" so that the said clause shall now read as follows:

"Well."

- (*f*) "Well" shall mean and include any well bored for oil or natural gas or water.

Rev. Stat.,  
c. 48,  
amended.

- (2) *The Well Drillers Act* is amended by adding thereto the following section:

Certain  
sections not  
to apply to  
wells drilled  
for fresh  
water.

16. Sections 6, 7, 8, 9, 10, 11, 12 and 13 shall not apply to wells drilled for fresh water for domestic or farm purposes or which do not penetrate the solid rock.



Section 17. The object of this amendment is to enable municipalities to increase the poll tax to an annual tax not exceeding \$10. The present maximum is \$5.

Section 18. It is advisable to extend the benefits of the temporary provision made last year with respect to arrears of municipal taxes so that it will apply to taxes levied in 1935. At present there are many cases where a municipality cannot with justice distrain for taxes and therefore its legal rights with respect to tax sales should be protected even if distraint has not been made when it was possible to do so.

Section 19. In 1933 an arrangement was made between the then Government and the township of Teck with respect to debentures to be issued by the township for unemployment and public school purposes. A technical question as to the validity of the authorizing Orders-in-Council having been raised which bears upon the validity of the debentures, it is advisable to confirm the Orders-in-Council.

Section 20.—(1) For the past fifteen years drilling records of all oil and gas wells have been kept, and it is proposed in future to keep records of all water wells drilled in the Province for geological information as well as purposes of water supply. These records or logs will be kept by the drillers of such wells.

(2) Sections 6 to 13 of *The Well Drillers Act* refer to the plugging of abandoned gas and oil wells. It is obvious therefore that water wells should be exempted.

1933,  
c. 111,  
continued.

**21.** Notwithstanding anything contained in *The Windsor, Essex and Lake Shore Railway Act, 1933*, the provisions of the said Act shall continue in force and have effect until the 30th day of June, 1936

Commence-  
ment of Act.

**22** This Act shall come into force on the day upon which it receives the Royal Assent

Section 21. Until the financial affairs of the partner municipalities which are insolvent have been dealt with and reorganized, it is equitable that the other partner municipalities be protected by extending the Act of 1933 for one more year. The Act of 1933 prevents suit against such municipalities in respect of the railway debt unless the approval of the Municipal Board is obtained.

BILL

The Statute Law Amendment Act.

*1st Reading*

April 15th, 1935

*2nd Reading*

*3rd Reading*

MR. MCQUESTEN

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

The Statute Law Amendment Act, 1935.

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MR. MCQUESTEN

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No. 132

1935

# BILL

## The Statute Law Amendment Act, 1935.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province\* of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Statute Law Amendment Act, 1935*.

Rev. Stat.,  
c. 71, s. 22,  
subs. 1, cl. c,  
(1932,  
c. 53, s. 7),  
re-enacted.

**2.** Clause *c* of subsection 1 of section 22 of *The Agricultural Societies Act* as re-enacted by section 7 of *The Statute Law Amendment Act, 1932*, is repealed and the following substituted therefor:

Distribution  
of  
provincial  
grant.

(*c*) The remainder of the grant voted for agricultural societies shall be divided among societies other than new societies, in proportion to the amount they expended during the next preceding three years for agricultural purposes, as shown by their sworn statements, and as defined by section 20, and there shall not be included in such expenditure money used for the purchase or maintenance of pure bred stock, for the holding of spring stallion shows, spring bull shows, or combined spring stallion and bull shows, or for spring seed fairs.

1879,  
c. 81, s. 10,  
amended.

**3.** Section 10 of the Act passed in the forty-second year of the reign of Her Late Majesty Queen Victoria, entitled *An Act to incorporate the Industrial Exhibition Association of Toronto* as amended by section 1 of an Act passed in the ninth year of the reign of His Majesty, King George the Fifth, entitled *An Act respecting the Canadian National Exhibition Association* is further amended by adding thereto the following subsection:

Honorary  
directors.

(2) The directors shall also, in recognition of distinguished services to the Association, have full power to appoint such former directors as they deem advisable as honorary directors for life, and such honorary directors shall have all the rights, powers and duties of members of the Association, but shall not have the right to vote at meetings thereof.

4.—(1) Section 242 of *The Companies Act* is amended by adding thereto the following subsection: Rev. Stat., c. 218, s. 242, amended.

(3) Before the application is granted, the Superintendent shall prepare a report upon the application for the Lieutenant-Governor in Council. Superintendent to prepare report on application.

(2) Subsection 5 of section 243 of *The Companies Act* is repealed. Rev. Stat., c. 218, s. 243, subs. 5, repealed.

(3) *The Companies Act* is amended by adding thereto the following section: Rev. Stat., c. 218, amended.

243a.—(1) Where a company undertaking life insurance has insurance in force of less than \$25,000,000 and has a surplus to policy-holders in excess of \$500,000, the directors may pass a by-law authorizing an application to the Lieutenant-Governor for the issue of supplementary letters patent decreasing its authorized, subscribed and paid-in capital by not more than fifty per centum. Reduction of capital of life insurance companies.

(2) The expression "surplus to policy-holders" in subsection 1 means the surplus of assets over liabilities excluding capital stock shown in the annual statement of the company at the end of the next preceding calendar year as filed with and approved by the Superintendent of Insurance. "Surplus to policy-holders,"—meaning of.

(3) The by-law and the supplementary letters patent shall declare the new par value of the shares and the liability of the shareholders on partially paid-in shares. By-law and letters patent to declare new par value.

(4) The application shall not be made until the by-law has been confirmed by a vote of the shareholders present or represented by proxy, at a general meeting duly called for considering the same, and holding not less than two-thirds of the issued capital stock represented at such meeting. Application,—when to be made.

(5) The supplementary letters patent shall contain a provision that any surplus created by reason of such decrease of capital shall not be decreased by dividends to shareholders which may be declared thereafter. Surplus not to be decreased by dividends to shareholders.

(4) Subsection 1 of section 278 of *The Companies Act* as amended by subsection 4 of section 6 of *The Statute Law Amendment Act, 1934*, is further amended by inserting after the word "located" in the fifth line the words "at least," so that the said subsection shall now read as follows: Rev. Stat., c. 218, s. 278, subs. 1, amended.

Notice of  
annual or  
special  
meeting.

- (1) Notice of every annual, general or special general meeting of the corporation shall be sent by post to every shareholder and member and shall be published in a newspaper published at or near the place where the head office is located at least seven days previous to the day of the meeting.

Rev. Stat.,  
c. 218, s. 278,  
subs. 3  
(1934,  
c. 54, s. 6,  
subs. 5),  
amended.

- (5) Subsection 3 of the said section 278 as enacted by subsection 5 of section 6 of *The Statute Law Amendment Act, 1934*, is amended by inserting after the word "shall" in the first line the words "at least," so that the said subsection shall now read as follows:

Annual  
statement  
to be sent to  
members.

- (3) The directors shall at least seven days prior to the date of the annual meeting, send to every member by post the annual statement for the year ending on the previous 31st day of December, which shall be certified by the auditors, and shall be in the form prescribed by the regulations passed pursuant to section 71 of *The Insurance Act*.

Rev. Stat.,  
c. 222.

1928,  
c. 33, s. 4,  
subs. 1,  
amended.

5.—(1) Subsection 1 of section 4 of *The Companies Information Act, 1928*, as amended by section 2 of *The Companies Information Act, 1931*, by subsection 2 of section 35 of *The Statute Law Amendment Act, 1932*, and by subsection 2 of section 31 of *The Statute Law Amendment Act, 1933*, is further amended by striking out the words "1st day of May" in the first line of the said subsection and inserting in lieu thereof the words "30th day of June" by inserting after the word "required" in the ninth line the words "together with the fee prescribed by order-in-council" and by striking out the words "31st day of March" in the tenth line and inserting in lieu thereof the words "1st day of May" so that the first paragraph of the said subsection shall now read as follows:

Annual  
return of the  
corporation.

- (1) On or before the 30th day of June in each and every year without notice or demand to that effect, every corporation incorporated under the laws of Ontario, and every other corporation having its head or other office or doing business or any part thereof, in the Province of Ontario, shall unless a corporation liable to payment of tax under subsections 1 to 14 of section 3 of *The Corporations Tax Act*, or unless an insurer licensed under *The Insurance Act*, make out, verify and deliver to the Provincial Secretary as hereinafter required, together with the fee prescribed by order-in-council, a detailed return containing as of the 1st day of May next preceding, correctly stated, the following information and particulars:



(2) Subsection 2 of section 4 of *The Companies Information Act, 1928*, as amended by subsection 2 of section 35 of *The Statute Law Amendment Act, 1932*, is amended by striking out the word "May" in the fourth line and inserting in lieu thereof the word "July."

1928,  
c. 33, s. 4,  
subs. 2,  
amended.

(3) Subsection 4 of section 4 of *The Companies Information Act, 1928*, as amended by subsection 2 of section 35 of *The Statute Law Amendment Act, 1932*, is repealed.

1928,  
c. 33, s. 4,  
subs. 4,  
amended.

**6.**—(1) Subsection 3 of section 12 of *The County Courts Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 91, s. 12,  
subs. 3,  
re-enacted.

(3) In the county of York four such sittings shall be held in each year to commence on the first Tuesday in December, March and May and the second Tuesday in September.

Trial  
sittings,  
County of  
York.

(3a) In the county of Wentworth four such sittings shall be held in each year to commence on the first Tuesday in December and March and on the second Tuesday of May and September

County of  
Wentworth.

(2) The amendment made by subsection 1 of this section shall be deemed to have been in force from the 1st day of April, 1935.

Commence-  
ment of  
section.

**7.** Section 24 of *The County Judges Act* is amended by adding thereto the following subsection:

Rev. Stat.,  
c. 90,  
amended.

(2) The judge in a county court district who, in point of time, is senior in appointment to office shall convene the meetings referred to in this section and unless all the judges present at any such meeting unanimously agree upon a different mode of dividing the work, the same shall be divided strictly in conformity with this and the next preceding section, and no judge except by reason of illness or other unavoidable cause, shall be excused from performing the judicial work assigned to him at any such meeting.

How  
convened.

**8.**—(1) Subsection 2 of section 3 of *The General Sessions Act* is repealed and the following substituted therefor:

Rev. Stat.,  
c. 92, s. 3,  
subs. 2,  
re-enacted.

(2) In the county of York the sittings of the court shall be held four times in the year commencing on the first Tuesday in the months of December, March and May and on the second Tuesday in the month of September in each year.

General  
sessions,—  
county of  
York.

County of  
Wentworth.

(2a) In the county of Wentworth the sittings of the court shall be held four times in the year commencing on the first Tuesday in the months of December and March and on the second Tuesday in the months of May and September.

Commence-  
ment of  
section.

(2) The amendment made by subsection 1 of this section shall be deemed to have been in force from the 1st day of April, 1935.

Rev. Stat.,  
c. 300, s. 5,  
cl. b,  
amended.

**9.**—(1) Clause *b* of section 5 of *The Dog Tax and Sheep Protection Act* is amended by striking out the figure "3" in the third line and inserting in lieu thereof the figure "4", so that the said clause shall now read as follows:

Licensing  
of dogs.

(b) On payment of the license fee the owner shall be furnished with a dog tag and the provisions of subsections 1 and 4 as to keeping the tag securely fixed on the dog, and of subsections 2, 3 and 5 of section 4 shall apply.

Rev. Stat.,  
c. 300,  
amended.

(2) *The Dog Tax and Sheep Protection Act* is amended by adding thereto the following section:

Penalties.

6a. A by-law passed under the authority of this Act may impose penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any such by-law and every such penalty shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,  
c. 45, s. 165  
(1930,  
c. 8, s. 7),  
repealed.

**10.** Section 165 of *The Mining Act* as re-enacted by section 7 of *The Mining Act, 1930*, is repealed.

1920,  
c. 84, s. 19,  
amended.

**11.** Section 19 of *The Municipal Housing Act, 1920*, is amended by adding thereto the following subsection.

Power to  
amend terms  
of agreement  
for sale.

(3) A commission may with the approval of the director, amend the terms of any agreement for sale of property heretofore or hereafter entered into by it under the provisions of this Act, and with respect to property sold under any agreement which has been cancelled or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreements may be such as the director may approve.

1919,  
c. 54, s. 25,  
amended.

**12.** Section 25 of *The Ontario Housing Act, 1919*, is amended by adding thereto the following subsection:

Power to  
amend terms  
of agreement  
for sale.

(3) A commission may, with the approval of the director, amend the terms of any agreement for sale of



property heretofore or hereafter entered into by it under the provisions of this Act, and with respect to property sold under any agreement which has been cancelled or determined may enter into new agreements for sale thereof, and the terms of any such amended or new agreements may be such as the director may approve.

**13.** Section 2 of *The Parole Act* as amended by subsection 1 of section 30 of *The Statute Law Amendment Act, 1933*, is further amended by striking out the word "five" in the third line and inserting in lieu thereof the words "not more than six" so that the said section shall now read as follows:

Rev. Stat.,  
c. 362, s. 2,  
amended.

2. For the purposes of this Act and of the said *The Prisons and Reformatories Act*, there is constituted a board to be known as the Board of Parole which shall be composed of not more than six persons to be appointed by the Lieutenant-Governor in Council, and notwithstanding that such board has heretofore been composed of only five members, every act, order and proceeding of such board shall be deemed to be and to have been valid, binding and effective.

Board of  
Parole.

**14.**—(1) Subsection 1 of section 11 of *The Private Hospitals Act, 1931*, is amended by adding thereto the following clause:

1931,  
c. 77, s. 11,  
subs. 1,  
amended.

- (d) or a hospital licensed for the treatment of such other class or classes of patients in this Act and the regulations provided.

(2) *The Private Hospitals Act, 1931*, is amended by adding thereto the following section:

1931, c. 77,  
amended.

- 26a. With the approval of the Minister, a municipality may enter into an annual agreement with a private hospital respecting the admission and treatment of indigent persons and dependents of indigent persons in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Minister may terminate any such agreement at any time by thirty days' notice in writing under his hand to the parties thereto.

Municipal  
agreements  
as to  
indigents.

**15.**—(1) Clause *i* of section 2 of *The Public Hospitals Act, 1931*, is repealed and the following substituted therefor:

1931,  
c. 78, s. 2,  
cl. i,  
re-enacted.

- (i) "Patient" shall mean a person received and lodged in a hospital for the purpose of treatment, except that in section 40a "patient" shall include a person

"Patient."

admitted to a hospital for the purpose of treatment and a person received and lodged in a hospital for the purpose of treatment.

1931,  
c. 78, s. 34,  
subs. 1, cl. a,  
amended.

(2) Clause *a* of subsection 1 of section 34 of *The Public Hospitals Act* as amended by subsection 2 of section 16 of *The Statute Law Amendment Act, 1934*, is further amended by adding thereto the following words: "Provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential," so that the said clause shall now read as follows:

Initial  
indigent  
rate of aid.

(a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in paragraph *b* mentioned, at the rate of sixty cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital except in the case of a hospital which under the regulations is classed as a convalescent hospital, payment shall be at the rate of thirty cents per day up to one hundred and twenty days, provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential.

1931,  
c. 78, s. 40a,  
(1932,  
c. 53, s. 39,  
subs. 1),  
amended.

(3) Section 40a of *The Public Hospitals Act* as enacted by subsection 1 of section 39 of *The Statute Law Amendment Act, 1932*, is amended by striking out the words "two years" in the sixth line and inserting in lieu thereof the words "six months," so that the said section shall now read as follows:

Limitation  
of action.

40a. Any action against any hospital or any person for anything done or purporting to be done in pursuance of this Act brought by or on behalf of any person who has been admitted as a patient in such hospital and has been discharged therefrom shall be commenced within six months after his discharge.

1930, c. 17,  
amended.

**16.** *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by adding thereto the following section:

Pension  
fund,—  
confirmation  
of.

5a.—(1) The provisions of subsection 1 of section 16 of *The Power Commission Act* shall apply and be deemed to have applied to the employees of the railway, and the pension fund established for the benefit of such employees is hereby confirmed and declared to be legal and valid as if the same had been established under the provisions of the said section 16 of the said Act.

- (2) Notwithstanding that the Commission may have ceased to manage and operate the railway it shall continue to manage and administer the said pension fund under and according to the provisions of the said section 16 of the said Act and all payments to or out of the said pension fund shall be subject thereto and to any rules and regulations governing such fund.
- Power  
Commission  
to continue  
to manage  
pension  
fund.

**17.** Subsection 1 of section 2 of *The Statute Labour Act* is amended by striking out the symbol and figure "\$5" in the fourth line and inserting in lieu thereof the symbol and figure "\$10", so that the first four lines of the said subsection shall now read as follows:

Rev. Stat.,  
c. 239, s. 2,  
subs. 1,  
amended.

- (1) Councils of cities, towns, villages and townships may pass by-laws for levying and collecting an annual tax to be known as "poll tax" of not less than \$1 and not more than \$10 from every male inhabitant of the municipality who,—
- Poll tax.

**18.** Subsection 2 of section 2 of *The Statute Law Amendment Act, 1934*, is amended by striking out the figures "1934" in the third line and inserting in lieu thereof the figures "1935."

1934,  
c. 54, s. 2,  
subs. 2,  
amended.

**19.** The Orders-in-Council bearing date respectively the 31st day of October, 1933, authorizing the execution of agreements dated the 7th day of December, 1933, between the corporation of the township of Teck and the Government of the Province of Ontario respecting unemployment relief and public schools in the said township and debentures to be issued by the said corporation in respect thereto are hereby confirmed and declared to be and from the said 31st day of October, 1933, to have been legal and valid.

Township  
of Teck,  
debentures  
for unem-  
ployment  
and public  
school  
purposes.

**20.—(1)** Clause *f* of section 1 of *The Well Drillers Act* is amended by adding at the end thereof the words "or water" so that the said clause shall now read as follows:

Rev. Stat.,  
c. 48, s. 1,  
cl. *f*,  
amended.

- (f) "Well" shall mean and include any well bored for oil "Well." or natural gas or water.

(2) *The Well Drillers Act* is amended by adding thereto the following section:

Rev. Stat.,  
c. 48,  
amended.

16. Sections 6, 7, 8, 9, 10, 11, 12 and 13 shall not apply to wells drilled for fresh water for domestic or farm purposes or which do not penetrate the solid rock.
- Certain  
sections not  
to apply to  
wells drilled  
for fresh  
water.



1933,  
c. 111,  
continued

**21.** Notwithstanding anything contained in *The Windsor, Essex and Lake Shore Railway Act, 1933*, the provisions of the said Act shall continue in force and have effect until the 30th day of June, 1936.

Rev. Stat.,  
c. 218, s. 317,  
subs. 1  
(1928,  
c. 32, s. 14),  
amended.

**22.** Subsection 1 of section 317 of *The Companies Act* as re-enacted by section 14 of *The Companies Act, 1928*, is amended by adding thereto the following clause:

Invest-  
ments.

(dd) Reversionary interests involving life contingencies; provided that the assets of the reversion are permissible investments under this section and provided the purchase price shall be less than the value of the reversion based on the British Offices' Select Life Annuity Tables, 1893, with interest at three and one-half per centum per annum.

Rev. Stat.,  
c. 107, s. 2,  
amended.

**23.—**(1) Section 2 of *The Evidence Act* is amended by adding at the end thereof the following words: "and in the case of oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made under section 37 of this Act, to any matter for which the administering, swearing, affirming or making of such oath, affidavit, affirmation or declaration is required or permitted by any Statute of Ontario or under any rule made under the authority thereof or by any order, regulation or commission made or issued by the Lieutenant-Governor in Council under any law authorizing him to require the taking of evidence" so that the said section shall now read as follows:

Application  
of Act.

2. This Act shall extend and apply to the evidence offered or taken orally or by interrogatories or affidavits or by the production of documents or things or otherwise by or before a court in an action, and in the case of oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made under section 37 of this Act, to any matter for which the administering swearing, affirming or making of such oath, affidavit, affirmation or declaration is required or permitted by any Statute of Ontario or under any rule made under the authority thereof or by any order, regulation or commission made or issued by the Lieutenant-Governor in Council under any law authorizing him to require the taking of evidence.

Rev. Stat.,  
c. 107, s. 37,  
(1930,  
c. 29, s. 2),  
amended.

(2) Section 37 of *The Evidence Act* as amended by section 2 of *The Evidence Act, 1930*, is further amended by adding thereto the following clause:

(m) in any Province of Canada before a commissioner authorized to administer oaths in the courts of such

province or by a notary public or a justice of the peace having authority or jurisdiction in the place where the oath is administered.

**24.** Clause *c* of section 4 of *The Securities Act, 1930*, is 1930, c. 39,  
s. 4, cl. c,  
re-enacted. repealed and the following substituted therefor:

- (c) A trade where one of the parties is a bank to which Banks, etc.,  
Crown,  
municipal  
and public  
officials and  
registered  
persons, etc. *The Bank Act* applies, or loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or insurance company licensed under *The Insurance Act*, or is an official or employee in the performance of his duties as such of His Majesty in right of the Dominion or any Province or territory of Canada, or of any municipal corporation or public board or commission in Canada, or is registered as a broker under the provisions of this Act.

**25.** Section 45 of *The Trustee Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 150, s. 45,  
amended.

- (2) Until the appointment of new trustees, the personal representatives or representative for the time being of a sole trustee, or, where there were two or more trustees, of the last surviving or continuing trustee, shall be capable of exercising or performing any power or trust which was given to, or capable of being exercised by the sole or last surviving trustee. Survivor-  
ship.

**26.** Section 1 of *The Beach Protection Act* is amended by inserting after the words "Lake Huron" in the fourth line the words "Lake Superior." Rev. Stat.,  
c. 298, s. 1,  
amended.

**27.** Section 102 of *The Telephone Act* is amended by adding thereto the following subsection: Rev. Stat.,  
c. 227,  
s. 102,  
amended.

- (2) The Board may by its order cancel and determine any of the rights, powers and privileges possessed by or conferred upon any company, under the authority of this Act, if such company violates the provisions of section 101 or this section, and may by its order prohibit such company carrying on business as a telephone company under this Act. Cancellation  
of powers  
of company.

**28.** The equalized assessment of the county of Essex upon which county rates for the year 1935 shall be levied shall be as set forth in the report of the special committee adopted by unanimous resolution of the council of the said county on the 31st day of January, 1935, and such equalization shall be legal and binding upon the said county and the municipalities forming the same, and the ratepayers thereof. County of  
Essex,—  
equalized  
assessment.

**29.** This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of Act.



BILL

The Statute Law Amendment Act.

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*1st Reading*

April 15th, 1935

*2nd Reading*

April 16th, 1935

*3rd Reading*

April 17th, 1935

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MR. McQUESTEN

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Victoria Hospital, London.

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MR. FAULKNER

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No. 133

1935

# BILL

An Act respecting Victoria Hospital, London.

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Victoria Hospital London Act, 1935*.

Agreement  
with  
University  
confirmed.

**2.** The agreement between the Board of Governors of the University of Western Ontario and the Board of Hospital Trustees of the City of London, a copy of which is set out in the schedule to this Act, is hereby declared to be valid and binding on the parties to it and they are hereby respectively authorized and required to carry out and observe the provisions and agreements on their part which it contains.

Commence-  
ment of Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

#### EXPLANATORY NOTE

The purpose of this Bill is to validate the Agreement between the Board of Governors of the University of Western Ontario and the Board of Hospital Trustees of the City of London.

## SCHEDULE.

AGREEMENT made the 12th day of April in the year One thousand nine hundred and thirty-five.

BETWEEN:

THE BOARD OF GOVERNORS OF THE UNIVERSITY OF  
WESTERN ONTARIO, hereinafter called the University,

—and—

THE BOARD OF HOSPITAL TRUSTEES OF THE CITY  
OF LONDON, hereinafter called the Trustees.

This Agreement witnesseth that it is agreed by and between the parties hereto in manner following:

1. In this Agreement "Hospital" shall mean the Victoria Hospital, London.

2. The provisions of this Agreement shall be effective for a term of ten years from January 15th, 1934.

3. There shall be a Medical Advisory Board which shall consist of the Heads of the various medical services of the Hospital, the Dean of the Medical School and of not more than four additional members elected either by the Medical Staff of the Hospital or by the Western Ontario Academy of Medicine, as the Trustees may designate.

4. There shall be a Joint Relations Committee of the Hospital and the University which shall be composed as follows:

The Chairman of Victoria Hospital Board of Trustees;  
The Provincial Government representative on the Hospital Trust;  
The County of Middlesex representative on the Hospital Trust;  
Chairman of the Board of Governors of the University;  
Chairman of the Medical School Committee of the Board of Governors of the University;  
President of the University;  
Dean of the Medical School of the University.

5. The Joint Relations Committee shall consider matters of mutual interest to the Hospital and the University that may arise from time to time.

6. The Trustees shall make appointments to the Attending Staff of the Hospital annually on the recommendation only of the Board of Governors of the University and subject to the approval of the Joint Relations Committee or a majority thereof. In making appointments to the Attending Staff of the Hospital regard shall be had to the previous training and record of the appointee, his capacity to render service to the sick in the Hospital, his scientific attainments, his teaching capacity and his likelihood of professional development.

7. The Trustees shall make appointments of Internes of the Hospital on the recommendation of the Medical Advisory Board.

8. In making appointments to the Staff sex shall be no bar.

9. No remuneration shall be given by public ward patients to individual members of the Clinical Attending Staff.

10. Subject to the regulation of the Trustees, members of the Medical Profession of the City of London who are not on the Staff of the Hospital shall have the privilege of attending patients in private and semi-private rooms.





11. All public ward patients shall be under the care and control of the Heads of the Clinical services and at the discretion of such heads shall be available for the clinical instruction of the Students of the Medical Faculty of the University.

12. According to professional courtesy generally prevailing, doctors not on the staff of the Hospital may, in consultation with the Head of the Service concerned, visit patients referred by them to the public wards in the Hospital.

13. The following shall be the services in the several departments of the Hospital:

- (a) In Medicine, one service, to be increased to two or three co-ordinate services as necessity arises;
- (b) In Surgery, one service, to be increased to more as necessity arises;
- (c) In Obstetrics and Gynaecology, one service, to be increased to more as necessity arises;
- (d) In Ophthalmology, Otology, Rhinology and Laryngology, one service, to be increased to more as necessity arises;
- (e) In Pathology and Bacteriology, one service, to be increased to more as necessity arises;
- (f) In Clinical Pathology, one service;
- (g) In Anaesthetics, one service;
- (h) In Paediatrics, one service;
- (i) In Radiology, one service.

14. Each of the services in the several departments shall be under a head with such associates and assistants as may be found necessary.

15. The several services in all clinical departments shall be so organized as to include both indoor and outdoor patients and the heads of such services shall be responsible for all such patients.

In witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

Signed, sealed and delivered in the presence of

(Seal)

G. A. WENIGE,  
For the Board of Hospital Trustees.

Attest as to signature of G. A. Wenige:

K. G. GRAY.

THE UNIVERSITY OF WESTERN ONTARIO BOARD OF GOVERNORS.

ARTHUR W. WHITE,  
*Vice-Chairman.*

WALTER JAMES BROWN,  
*Executive Secretary.*

Attest as to signatures of Arthur W. White and

Walter James Brown:

B. T. MCGHIE.

(Seal)



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BILL

An Act respecting Victoria Hospital,  
London.

---

*1st Reading*

April 15th, 1935

*2nd Reading*

*3rd Reading*

---

MR. FAULKNER

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act respecting Victoria Hospital, London.

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MR. FAULKNER

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No. 133

1935

# BILL

An Act respecting Victoria Hospital, London.

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Agreement  
with  
University  
confirmed.     **2.** The agreement between the Board of Governors of the University of Western Ontario and the Board of Hospital Trustees of the City of London, a copy of which is set out in the schedule to this Act, is hereby declared to be valid and binding on the parties to it and they are hereby respectively authorized and required to carry out and observe the provisions and agreements on their part which it contains.

Commence-  
ment of Act.     **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE

AGREEMENT made the 12th day of April in the year One thousand nine hundred and thirty-five.

BETWEEN:

THE BOARD OF GOVERNORS OF THE UNIVERSITY OF  
WESTERN ONTARIO, hereinafter called the University,

—and—

THE BOARD OF HOSPITAL TRUSTEES OF THE CITY  
OF LONDON, hereinafter called the Trustees.

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The Chairman of Victoria Hospital Board of Trustees;  
The Provincial Government representative on the Hospital Trust;  
The County of Middlesex representative on the Hospital Trust;  
Chairman of the Board of Governors of the University;  
Chairman of the Medical School Committee of the Board of Governors of the University;  
President of the University;  
Dean of the Medical School of the University.

5. The Joint Relations Committee shall consider matters of mutual interest to the Hospital and the University that may arise from time to time.

6. The Trustees shall make appointments to the Attending Staff of the Hospital annually on the recommendation only of the Board of Governors of the University and subject to the approval of the Joint Relations Committee or a majority thereof. In making appointments to the Attending Staff of the Hospital regard shall be had to the previous training and record of the appointee, his capacity to render service to the sick in the Hospital, his scientific attainments, his teaching capacity and his likelihood of professional development.

7. The Trustees shall make appointments of Internes of the Hospital on the recommendation of the Medical Advisory Board.

8. In making appointments to the Staff sex shall be no bar.

9. No remuneration shall be given by public ward patients to individual members of the Clinical Attending Staff.

10. Subject to the regulation of the Trustees, members of the Medical Profession of the City of London who are not on the Staff of the Hospital shall have the privilege of attending patients in private and semi-private rooms.

11. All public ward patients shall be under the care and control of the Heads of the Clinical services and at the discretion of such heads shall be available for the clinical instruction of the Students of the Medical Faculty of the University.

12. According to professional courtesy generally prevailing, doctors not on the staff of the Hospital may, in consultation with the Head of the Service concerned, visit patients referred by them to the public wards in the Hospital.

13. The following shall be the services in the several departments of the Hospital:

- (a) In Medicine, one service, to be increased to two or three co-ordinate services as necessity arises;
- (b) In Surgery, one service, to be increased to more as necessity arises;
- (c) In Obstetrics and Gynaecology, one service, to be increased to more as necessity arises;
- (d) In Ophthalmology, Otology, Rhinology and Laryngology, one service, to be increased to more as necessity arises;
- (e) In Pathology and Bacteriology, one service, to be increased to more as necessity arises;
- (f) In Clinical Pathology, one service;
- (g) In Anaesthetics, one service;
- (h) In Paediatrics, one service;
- (i) In Radiology, one service.

14. Each of the services in the several departments shall be under a head with such associates and assistants as may be found necessary.

15. The several services in all clinical departments shall be so organized as to include both indoor and outdoor patients and the heads of such services shall be responsible for all such patients.

In witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

Signed, sealed and delivered in the presence of

(Seal)

G. A. WENIGE,  
For the Board of Hospital Trustees.

Attest as to signature of G. A. Wenige:

K. G. GRAY.

THE UNIVERSITY OF WESTERN ONTARIO BOARD OF GOVERNORS.

ARTHUR W. WHITE,  
*Vice-Chairman.*

WALTER JAMES BROWN,  
*Executive Secretary.*

Attest as to signatures of Arthur W. White and

Walter James Brown:

B. T. MCGHIE.

(Seal)



11. All public ward patients shall be under the care and control of the Heads of the Clinical services and at the discretion of such heads shall be available for the clinical instruction of the Students of the Medical Faculty of the University.

12. According to professional courtesy generally prevailing, doctors not on the staff of the Hospital may, in consultation with the Head of the Service concerned, visit patients referred by them to the public wards in the Hospital.

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- (e) In Pathology and Bacteriology, one service, to be increased to more as necessity arises;
- (f) In Clinical Pathology, one service;
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In witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

Signed, sealed and delivered in the presence of

(Seal)

G. A. WENIGE,  
For the Board of Hospital Trustees.

Attest as to signature of G. A. Wenige:

K. G. GRAY.

THE UNIVERSITY OF WESTERN ONTARIO BOARD OF GOVERNORS.

ARTHUR W. WHITE,  
*Vice-Chairman.*

WALTER JAMES BROWN,  
*Executive Secretary.*

Attest as to signatures of Arthur W. White and

Walter James Brown:

B. T. MCGHIE.

(Seal)









BILL

An Act respecting Victoria Hospital,  
London.

---

*1st Reading*

April 15th, 1935

*2nd Reading*

April 16th, 1935

*3rd Reading*

April 17th, 1935

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MR. FAULKNER

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Power Commission Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Power Commission Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Commission Amendment Act, 1935* (No. 2).

Rev. Stat.,  
c. 57, s. 1,  
cl. b,  
amended.

2.—(1) Clause *b* of section 1 of *The Power Commission Act* is amended by striking out the words “electrical power or energy” in the last line and inserting in lieu thereof the words “hydraulic, electrical, steam, gas or other power or energy,” so that the said clause shall now read as follows:

“Works.”

(b) “Works” shall include all property, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, delivery, sale or use of hydraulic, electrical, steam, gas or other power or energy.

Rev. Stat.,  
c. 57, s. 1,  
amended.

(2) The said section 1 is further amended by adding thereto the following clauses:

“Power.”

(f) “Power” shall include hydraulic, electrical, steam, gas or other power and shall also include energy;

“Supply.”

(g) “Supply” shall include delivery, dealing in, and sale.

Rev. Stat.,  
c. 57, s. 11,  
cl. c,  
re-enacted.

3. Clause *c* of section 11 of *The Power Commission Act* is repealed and the following substituted therefor:

For  
unforeseen  
expenses.

(c) to meet any unforeseen expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of, any works or other property of the Commission or otherwise incurred or payable by the Commission;

Insurance  
against  
loss or  
damage to  
property.

(d) to provide its own funds as insurance against loss or damage to any property of the Commission, or loss or damage to the persons or property of others caused

#### EXPLANATORY NOTES

SECTION 2.—(1) The definition of “works” is amended to cover works for the additional activities which the Commission is authorized to carry on.

(2) The definition of power is amended to include other power than electrical on account of the said additional activities.

To make clear different uses in the Act “supply” is declared to include delivery, dealing in and sale.

SECTION 3. Clause (c) of section 11 authorizing contingency reserves is amended to include reserve for loss of use of works or property.

by or arising from the works or operations of the Commission.

Stabilization  
fund.

4.—(1) Notwithstanding anything contained in sections 11a and 56 of *The Power Commission Act* the Commission shall not be required to open and maintain the stabilization fund account referred to in the said sections until such time as the Commission may otherwise determine and the Commission may, for stabilization fund purposes, set apart moneys under section 11.

Commence-  
ment of  
section.

(2) This section shall be deemed to have been in force as from the 3rd day of April, 1930.

Rev. Stat.,  
c. 57, s. 36,  
re-enacted.

5. Section 36 of *The Power Commission Act* as amended by section 2 of *The Power Commission Act, 1934*, is repealed and the following substituted therefor:

General  
borrowing  
powers.

36.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow money and issue notes, bonds, debentures and other securities or do any of these things for any of the purposes of the Commission.

(2) The said purposes of the Commission shall, without limiting the generality thereof, include,—

Purposes of  
Commission  
shall  
include.

(a) repayment on account of the advances by the Province to the Commission;

(b) payment, refunding or renewal from time to time of the whole or any part of any loan made or securities issued by the Commission under the provisions of this or any other Act;

(c) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Commission.

May  
borrow  
net sum.

(3) For the purposes specified in subsection 2 the Commission may borrow and may issue as aforesaid in such amounts as will realize the net sum required by the Commission for such purposes and a recital or declaration in the resolution or minutes of the Commission authorizing the issue of securities to the effect that the amount of securities so authorized is necessary to realize the net sum required for the purposes of the Commission shall be conclusive evidence of the fact.

SECTION 4. The Commission is relieved from the necessity of collecting ten cents per horsepower per annum for stabilization fund account until the Commission decides to do so and the Commission may include stabilization among contingency reserves in section 11.

SECTION 5. The Commission will have to do its own financing. For refunding it will have to borrow such amount as will yield the net sum to be refunded. The authority of the Lieutenant-Governor in Council is required for borrowing and for issue of securities. The Commission will arrange for the sale or pledge of the securities to meet market conditions. If securities are pledged as collateral then on their return to the Commission the Commission will be able to issue them. To assist the Commission in doing its own financing, power is given to the Commission to pledge securities held in reserve but not sinking fund.



Commission  
may sell  
or pledge.

- (4) The Commission on such terms and conditions as it deems advisable may sell or otherwise dispose of any such notes, bonds, debentures and other securities, may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security and may do any of these things.

Re-issue of  
securities.

- (5) Any such securities dealt with as collateral security when redelivered to the Commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Commission again becomes entitled to such securities, may be treated by the Commission as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Commission may deem advisable, or at its option may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon such issue or reissue any person entitled thereto shall have the same rights and remedies as if the same had not been previously issued.

Commission  
may pledge  
securities.

- (6) The Commission on such terms and conditions as it deems advisable may charge, pledge, hypothecate, deposit or otherwise deal with as collateral security any bonds, debentures or other securities in which it has invested its funds as in section 12 provided.

Rev. Stat.,  
c. 57, s. 40,  
amended.

¶ 6. Section 40 of *The Power Commission Act* as amended by section 5 of *The Power Commission Act, 1929*, is further amended by adding thereto the following subsections:

Work for  
extending  
use of  
electricity.

- (4) Subject to the approval of the Lieutenant-Governor in Council the Commission, out of any funds in its hands, may undertake and carry on investigation, experiments, research, development and other work in or for the generation, transformation, transmission, distribution, supply, sale or use of hydraulic, electrical, steam, gas or other power or energy and may use and apply the results thereof, and may undertake and carry on any electro-chemical, chemical, or physical process and, without limiting the generality thereof, electrolysis, reduction, synthesis and conversion of water and other resources, their constituents and compounds and the development and manufacture of products therefrom.



SECTION 6. Subject to approval by the Lieutenant-Governor in Council, authority is given to the Commission to find and develop new uses for electric and other power. The Commission may acquire patents or licenses and may dispose of patents or licenses or any product, article or commodity occurring in its operations. The Commission may do these things in conjunction with others. Net profit goes to reduce cost of power.

Dealing  
in patents  
and  
products.

- (5) The Commission may acquire any patent or license, or interest in any patent or license and may use or supply or dispose of by sale, lease, hire, license or otherwise any such patent, license or interest and any product, article or commodity produced, used, acquired or found in the operations of the Commission and any right to or interest in any process or the right to use the same.

Power to  
act with  
others.

- (6) The Commission may do any or all of the things authorized in this section and as principals, agents, contractors, trustees or otherwise and either alone or in conjunction with others. A municipal corporation or commission may act as agent for the Commission.

Profits to  
reduce cost  
of power.

- (7) Any net profit obtained by the Commission from anything authorized in this section shall be applied as the Commission shall deem equitable towards reduction in the cost of power to municipal corporations having contracts with the Commission for the supply of electrical power or energy.

Rev. Stat.,  
c. 57, s. 43a  
(1933,  
c. 47, s. 2),  
amended.

7. Section 43a of *The Power Commission Act* as enacted by section 2 of *The Power Commission Act, 1933*, is amended by adding thereto the following subsections:

Cost in  
s. 56 shall  
not apply.

- (6) The contract with a municipal corporation under subsection 5 may provide for the supply of electrical power or energy at fixed rates or price notwithstanding anything contained in section 56, and in such event the provisions as to cost in section 56 and the provisions in other sections of this Act relating to such cost shall not apply to such municipal corporation but otherwise this Act shall apply to such municipal corporation.

Commence-  
ment of  
subs. 6.

- (7) Subsection 6 shall apply to municipal corporations supplied with power from works covered by an agreement authorized under subsection 2 of this section and shall be deemed so to have applied since the 18th day of April, 1933.

Rev. Stat.,  
c. 57,  
amended.

8. *The Power Commission Act* is amended by adding thereto the following section:

Agreement  
as to  
supplying  
power.

- 69a.—(1) The Commission may enter into an agreement or agreements with His Majesty the King in the right of the Province of Ontario providing for the supply and distribution of electrical power or energy by the Commission on behalf of the Province in unorganized townships, in Provincial Parks and in

SECTION 7. In Northern Ontario power is being sold to municipalities at fixed rates and this must be distinguished from sale at cost under section 56.

SECTION 8. In unorganized townships there is no municipality with which the Commission can contract for distribution of rural power. Places in the Muskoka District and elsewhere are deprived of service. The section will permit distribution in such areas subject to approval by the Lieutenant-Governor in Council and to agreement with the Province.

other territory without municipal organization and including under any such agreement from time to time any one or more of the areas that may be defined under subsection 2, and any such agreement when executed by the President of the Executive Council of Ontario, representing His Majesty, and by the Commission, shall be valid and binding on His Majesty in the right of the Province of Ontario and on the Commission respectively.

Commission  
may define  
areas.

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Commission may define areas in unorganized townships, in Provincial Parks and in other territory without municipal organization; the Commission may make any such area or areas a rural power district or part thereof, or part of an existing rural power district; the Commission may alter, enlarge or diminish any such area and may incorporate the whole or any part of any such area in any other rural power district but before adding to any area land not previously included in any area, the approval of the Lieutenant-Governor in Council shall first be obtained; for the purposes of this section a rural power district shall include any such district established under this section or under section 66.

Supply of  
power.

- (3) Subject to agreement under subsection 1, the Commission may, on behalf of the Province,—

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the transmission to and the transformation and distribution and supply of electrical power or energy in any such area;
- (b) distribute and supply electrical power or energy in any such area;
- (c) contract with any person, firm or corporation for the supply of electrical power or energy in any such area.

Deemed  
rural  
power.

- (4) Save as in this section provided, all other provisions in relation to rural power districts in this or any other Act shall apply to each such area and the distribution and supply of electrical power or energy therein.

Commence-  
ment of  
Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.





BILL

An Act to amend The Power Commission  
Act.

---

*1st Reading*

April 15th, 1935

*2nd Reading*

*3rd Reading*

---

MR. ROEBUCK

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1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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# BILL

An Act to amend The Power Commission Act.

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MR. ROEBUCK

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# BILL

## An Act to amend The Power Commission Act.

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

**1.** This Act may be cited as *The Power Commission Amendment Act, 1935 (No. 2)*.

Rev. Stat.,  
c. 57, s. 1,  
cl. b,  
amended.

**2.**—(1) Clause *b* of section 1 of *The Power Commission Act* is amended by striking out the words “electrical power or energy” in the last line and inserting in lieu thereof the words “hydraulic, electrical, steam, gas or other power or energy,” so that the said clause shall now read as follows:

“Works.”

(b) “Works” shall include all property, plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, delivery, sale or use of hydraulic, electrical, steam, gas or other power or energy.

Rev. Stat.,  
c. 57, s. 11,  
amended.

(2) The said section 1 is further amended by adding thereto the following clauses:

“Power.”

(f) “Power” shall include hydraulic, electrical, steam, gas or other power and shall also include energy;

“Supply.”

(g) “Supply” shall include delivery, dealing in, and sale.

Rev. Stat.,  
c. 57, s. 11,  
cl. c,  
re-enacted.

**3.** Clause *c* of section 11 of *The Power Commission Act* is repealed and the following substituted therefor:

For  
unforeseen  
expenses.

(c) to meet any unforeseen expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of, any works or other property of the Commission or otherwise incurred or payable by the Commission;

Insurance  
against  
loss or  
damage to  
property.

(d) to provide its own funds as insurance against loss or damage to any property of the Commission, or loss or damage to the persons or property of others caused

by or arising from the works or operations of the Commission.

4.—(1) Notwithstanding anything contained in sections 11a and 56 of *The Power Commission Act* the Commission shall not be required to open and maintain the stabilization fund account referred to in the said sections until such time as the Commission may otherwise determine and the Commission may, for stabilization fund purposes, set apart moneys under section 11. Stabilization fund.

(2) This section shall be deemed to have been in force as from the 3rd day of April, 1930. Commencement of section.

5. Section 36 of *The Power Commission Act* as amended by section 2 of *The Power Commission Act, 1934*, is repealed and the following substituted therefor: Rev. Stat., c. 57, s. 36, re-enacted.

36.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow money and issue notes, bonds, debentures and other securities or do any of these things for any of the purposes of the Commission. General borrowing powers.

(2) The said purposes of the Commission shall, without limiting the generality thereof, include,— Purposes of Commission shall include.

(a) repayment on account of the advances by the Province to the Commission;

(b) payment, refunding or renewal from time to time of the whole or any part of any loan made or securities issued by the Commission under the provisions of this or any other Act;

(c) payment of the whole or any part of any loan or of any liability or of any bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Commission.

(3) For the purposes specified in subsection 2 the Commission may borrow and may issue as aforesaid in such amounts as will realize the net sum required by the Commission for such purposes and a recital or declaration in the resolution or minutes of the Commission authorizing the issue of securities to the effect that the amount of securities so authorized is necessary to realize the net sum required for the purposes of the Commission shall be conclusive evidence of the fact. May borrow net sum.

Commission  
may sell  
or pledge.

- (4) The Commission on such terms and conditions as it deems advisable may sell or otherwise dispose of any such notes, bonds, debentures and other securities, may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security and may do any of these things.

Re-issue of  
securities.

- (5) Any such securities dealt with as collateral security when redelivered to the Commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Commission again becomes entitled to such securities, may be treated by the Commission as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Commission may deem advisable, or at its option may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon such issue or reissue any person entitled thereto shall have the same rights and remedies as if the same had not been previously issued.

Commission  
may pledge  
securities.

- (6) The Commission on such terms and conditions as it deems advisable may charge, pledge, hypothecate, deposit or otherwise deal with as collateral security any bonds, debentures or other securities in which it has invested its funds as in section 12 provided.

Rev. Stat.,  
c. 57, s. 40,  
amended.

6. Section 40 of *The Power Commission Act* as amended by section 5 of *The Power Commission Act, 1929*, is further amended by adding thereto the following subsections:

Work for  
extending  
use of  
electricity.

- (4) Subject to the approval of the Lieutenant-Governor in Council the Commission, out of any funds in its hands, may undertake and carry on investigation, experiments, research, development and other work in or for the generation, transformation, transmission, distribution, supply, sale or use of hydraulic, electrical, steam, gas or other power or energy and may use and apply the results thereof, and may undertake and carry on any electro-chemical, chemical, or physical process and, without limiting the generality thereof, electrolysis, reduction, synthesis and conversion of water and other resources, their constituents and compounds and the development and manufacture of products therefrom.



(5) The Commission may acquire any patent or license, or <sup>Dealing in patents and products.</sup> interest in any patent or license and may use or supply or dispose of by sale, lease, hire, license or otherwise any such patent, license or interest and any product, article or commodity produced, used, acquired or found in the operations of the Commission and any right to or interest in any process or the right to use the same.

(6) The Commission may do any or all of the things <sup>Power to act with others.</sup> authorized in this section and as principals, agents, contractors, trustees or otherwise and either alone or in conjunction with others. A municipal corporation or commission may act as agent for the Commission.

(7) Any net profit obtained by the Commission from <sup>Profits to reduce cost of power.</sup> anything authorized in this section shall be applied as the Commission shall deem equitable towards reduction in the cost of power to municipal corporations having contracts with the Commission for the supply of electrical power or energy.

7. Section 43a of *The Power Commission Act* as enacted by <sup>Rev. Stat., c. 57, s. 43a</sup> section 2 of *The Power Commission Act, 1933*, is amended by <sup>(1933, c. 47, s. 2), amended.</sup> adding thereto the following subsections:

(6) The contract with a municipal corporation under <sup>Cost in s. 56 shall not apply</sup> subsection 5 may provide for the supply of electrical power or energy at fixed rates or price notwithstanding anything contained in section 56, and in such event the provisions as to cost in section 56 and the provisions in other sections of this Act relating to such cost shall not apply to such municipal corporation but otherwise this Act shall apply to such municipal corporation.

(7) Subsection 6 shall apply to municipal corporations <sup>Commencement of subs. 6.</sup> supplied with power from works covered by an agreement authorized under subsection 2 of this section and shall be deemed so to have applied since the 18th day of April, 1933.

8. *The Power Commission Act* is amended by adding thereto <sup>Rev. Stat., c. 57, amended.</sup> the following section:

69a.—(1) The Commission may enter into an agreement <sup>Agreement as to supplying power.</sup> or agreements with His Majesty the King in the right of the Province of Ontario providing for the supply and distribution of electrical power or energy by the Commission on behalf of the Province in unorganized townships, in Provincial Parks and in

other territory without municipal organization and including under any such agreement from time to time any one or more of the areas that may be defined under subsection 2, and any such agreement when executed by the President of the Executive Council of Ontario, representing His Majesty, and by the Commission, shall be valid and binding on His Majesty in the right of the Province of Ontario and on the Commission respectively.

Commission  
may define  
areas.

- (2) Subject to the approval of the Lieutenant-Governor in Council, the Commission may define areas in unorganized townships, in Provincial Parks and in other territory without municipal organization; the Commission may make any such area or areas a rural power district or part thereof, or part of an existing rural power district; the Commission may alter, enlarge or diminish any such area and may incorporate the whole or any part of any such area in any other rural power district but before adding to any area land not previously included in any area, the approval of the Lieutenant-Governor in Council shall first be obtained; for the purposes of this section a rural power district shall include any such district established under this section or under section 66.

Supply of  
power.

- (3) Subject to agreement under subsection 1, the Commission may, on behalf of the Province,—

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all works necessary for the transmission to and the transformation and distribution and supply of electrical power or energy in any such area;
- (b) distribute and supply electrical power or energy in any such area;
- (c) contract with any person, firm or corporation for the supply of electrical power or energy in any such area.

Deemed  
rural  
power.

- (4) Save as in this section provided, all other provisions in relation to rural power districts in this or any other Act shall apply to each such area and the distribution and supply of electrical power or energy therein.

Commence-  
ment of  
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.



BILL

An Act to amend The Power Commission  
Act.

---

*1st Reading*

April 15th, 1935

*2nd Reading*

April 16th, 1935

*3rd Reading*

April 17th, 1935

---

MR. ROEBUCK

---

1ST SESSION, 19TH LEGISLATURE, ONTARIO  
25 GEORGE V, 1935

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## BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the five months' period ending on the 31st day of March, 1935, and for the Public Service of the financial year ending the 31st day of March, 1936.

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MR. HEPBURN

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No. 135

1935

# BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the five months' period ending on the 31st day of March, 1935, and for the Public Service of the financial year ending the 31st day of March, 1936.

MOST GRACIOUS SOVEREIGN:

Preamble.

**W**HEREAS it appears by message from The Honourable Herbert Alexander Bruce, a Colonel in the Royal Army Medical Corps, F.R.C.S. (Eng.), Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the five months period ending the 31st day of March, 1935, and for the financial year ending the 31st day of March, 1936, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

\$436,867.20  
granted for  
period  
ending 31st  
March, 1935.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Four hundred and thirty-six thousand eight hundred and sixty-seven dollars and twenty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1934, to the 31st day of March, 1935, as set forth in schedule "A" to this Act.

\$48,519,768.11  
granted for  
fiscal year  
1935-36.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Forty-eight million five hundred and nineteen thousand seven hundred and sixty-eight dollars and eleven cents towards defraying the several charges and

expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1935, to the 31st day of March, 1936, as set forth in schedule "B" to this Act.

3. Accounts in detail of all moneys received on account of this Province during the said five months period ending March 31st, 1935, and of all expenditures under schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1935-36 and of all expenditures under schedule "B" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Accounts to be laid before Assembly.

4. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1935, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Appropriations for 1934-35 unexpended to lapse.

5. Any part of the money under schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1936, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Appropriations for 1935-36 unexpended to lapse.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Accounting for expenditure.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

### SCHEDULE "A"

Sums granted to His Majesty by this Act for the five months period ending on the thirty-first day of March, one thousand nine hundred and thirty-five, to defray expenses of:

Prime Minister.....	\$ 1,349.35
Attorney-General's Department.	14,067.89
Hydro-Electric Power Commis- sion.....	164,070.94
Education Department.....	200.00
Public Works Department.....	120,243.02
Health Department.....	72,263.27
Public Welfare Department.....	11,601.56
Municipal Affairs Department..	25,417.17
Provincial Treasurer's Depart- ment.....	25,000.00
Agriculture Department.....	2,654.00

Total estimates for expenditure of 1934-

1935.....\$ 436,867.20

## SCHEDULE "B"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and thirty-six, to defray expenses of:

Agriculture Department.....	\$1,986,453.00
Attorney-General's Department.	2,198,095.00
Education Department.....	8,903,634.00
Game and Fisheries Department.	482,375.00
Health Department.....	6,890,225.00
Highways Department.....	902,307.00
Hydro-Electric Power Commis- sion.....	146,000.00
Insurance Department.....	68,750.00
Labour Department.....	398,966.50
Lands and Forests Department..	2,167,362.61
Legislation.....	263,250.00
Lieutenant-Governor.....	7,200.00
Mines Department.....	264,875.00
Municipal Affairs Department..	79,650.00
Northern Development Depart- ment.....	3,708,450.00
Prime Minister's Department...	133,060.00
Provincial Auditor's Department	109,000.00
Provincial Secretary's Depart- ment.....	1,638,580.00
Provincial Treasurer's Depart- ment.....	453,780.00
Public Welfare Department.....	16,332,045.00
Public Works Department.....	1,078,210.00
Miscellaneous.....	307,500.00

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Total estimates for expenditure of 1935-  
1936.....\$48,519,768.11







BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the five months' period ending on the 31st day of March, 1935, and for the Public Service of the financial year ending the 31st day of March, 1936.

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*1st Reading*

April 18th, 1935

*2nd Reading*

April 18th, 1935

*3rd Reading*

April 18th, 1935

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MR. HEPBURN

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